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Guide to Immigration B

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Guide to Immigration Benefits

N.E.P.O.

GUIDE TO IMMIGRATION BENEFITS

Form M 210

(Revised 1982)

PREPARED BY

INS OUTREACH PROGRAM

Immigration and Naturalization Service
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PHASE I

Family Reunification
Labor Certifications
Refugees and Asylees
Adjustment of Status
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I. FOREWORD

The revised edition of the "Guide to Immigration Benefits," (M-210), has been prepared by the Outreach Office of the United States Immigration and Naturalization Service, with special cooperation from the United States Department of State, Visa Office and selected staffs of accredited voluntary immigration counselling agencies (volags).

A special note of thanks is extended to Catherine Rodriguez Dean, Secretary to the INS Chief Immigration Judge, for her valuable contribution and assistance in the compilation, organization, and typing of this manual.

The manual is designed primarily as an aid to the counselling agencies and other social service organizations, groups, individuals, etc., which refer cases to the volags or to the Service in order to help individuals seeking benefits under the nation's immigration laws.

It should be emphasized that this guide is not intended to explain fully all the laws and regulations pertaining to benefits under the Immigration and Nationality Act. In questionable and complex cases, the volags should be encouraged to contact the Immigration Service or the appropriate American embassy or consulate abroad for more detailed information.

Outreach participants interested in information concerning naturalization and citizenship are encouraged to check the "Basic Guide to Naturalization," M-230. That booklet contains more details on naturalization and citizenship than had been presented in brief form in the original "Guide to Immigration Benefits" (M-210), or is presented in this manual.

Outreach participants are reminded that, according to Title 8, Code of Federal Regulations (CFR), part 292, individuals not qualified to act as legal representatives are prohibited from receiving remuneration, directly or indirectly, for representing or assisting individuals in matters before the Service.

PREFACE

On December 16, 1981, as the revised "Guide to Immigration Benefits was being prepared for delivery to the printer, Congress passed HR 4327, the "Immigration and Nationality Act Amendments of 1981." The bill was signed by the President on December 29, 1981. It is known as Public Law 97-116.

Rather than rewrite those portions of the Guide affected by the new law and cause a printing delay, we will present the changes in this preface. To aid the reader, we will refer to the appropriate chapters and page numbers in the main text relating to the amendments.

PHASE I

II. GENERAL INFORMATION

The Immigration and Nationality Act (I&NA) allows for an annual worldwide ceiling of 270,000 visas. Within the numerical ceiling, a maximum of 20,000 visas may be issued to natives of each country and 600 visas to natives of each colony or dependency. (Page 11.)

CHANGE: According to P. L. 97-116, if the visa numerical limitation is exceeded during a fiscal year, the Secretary of State shall reduce the visas available by that same number in the following fiscal year. This section also provides for similar reductions in the per foreign state limitation for the subsequent year.

IV. ELIGIBILITY FOR IMMIGRANT VISAS: IMMEDIATE RELATIVES

5. Adopted Child. An adopted child may be petitioned for if she/he is adopted under the age of fourteen (14) ... (Page 24).

CHANGE: The age of adopted children has been raised from fourteen (14) to sixteen (16). The text should now read: An adopted child may be petitioned for if he/she is adopted under the age of sixteen (16).

6. Orphan Child. A petition may be filed in behalf of an orphan to classify the child as an immediate relative of a United States citizen ... To qualify as an orphan under the immigration laws, the child must be under the age of fourteen (14) years at the time the visa petition is filed in his behalf ... (Page 25).

CHANGE: The age for orphan children has been raised from fourteen (14) to sixteen (16). The text should now read: To qualify as an orphan under the immigration laws, the child must be under the age of sixteen (16) years at the time the visa petition is filed in his behalf.

VII. ELIGIBILITY FOR IMMIGRANT VISAS:
THE OCCUPATIONAL PREFERENCES

Third Preference

Schedule A Blanket Labor Certification

B. Physicians and Surgeons: Doctors with a medical speciality who seek to work in certain geographical areas determined by the Secretary of Health and Human Services (HHS) to have a shortage of doctors with the medical speciality. Foreign medical school graduates must pass parts I and II of the National Board of Medical Examiners Examination (VQE) given by the Educational Commission for Foreign Medical Graduates ... Note, however, that a foreign medical graduate does not need to pass either examination if:

1. He/she has international renown in medicine;
2. As of January 9, 1977, he/she was licensed to practice medicine in a state of the United States, was practicing medicine in a state, and had a speciality certificate issued by a constituent board of the American Board of Medical Specialities; or
3. He/she was graduated from a medical school accredited by the Secretary of Education. (Page 38).

CHANGE: P. L. 97-116 in effect revises the above section by removing certain foreign medical graduates from third preference and placing them under special immigrants (Chapter X. Other Immigrants), which exempts them from the annual visa numerical limitation.

The amendment reads accordingly:

An alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners Examination, if the alien was fully licensed to practice medicine (practice of medicine includes participation in a medical residency training program) in a state on January 9, 1978, and was practicing medicine in a state on that date.

Section 101(a)(27)(h) is intended to apply to adjustment of status of qualifying foreign medical graduates (FMGs) and accompanying dependents in the United States. In addition, special immigrant visas can be issued to spouses and children abroad as accompanying aliens.

In order to qualify under this provision, the FMG must have entered as an H or J nonimmigrant. Obtainment of H or J status after entry is not qualifying.

Although FMGs and their dependents are defined as special immigrants and do not need visa numbers, each alien granted permanent residence under section 101(a)(27)(h) must be counted against the worldwide and country limitations.

Foreign medical graduates (FMGs) coming to receive graduate medical education or training, who have been issued Form I AP-66, Certificate of Eligibility for Exchange Visitor, by the Educational Commission For Foreign Medical Graduates (ECFMG) have been determined to have passed the NEMEE or have been granted a waiver by the Federal Substantial Disruption Waiver Board.

VIII: ELIGIBILITY FOR IMMIGRANT VISAS:
NONPREFERENCE

Exceptions from the Alien Labor Certification Requirement

A. Investors

Aliens who have or are in the process of investing capital in business enterprises in the United States may adjust their status to that of lawful permanent residents or apply for immigrant visas abroad without obtaining alien labor certifications.

... Visa numbers not used in any of the other preference categories are available on a first-come, first-served basis to nonpreference applicants. Note that as of this printing, however, there are no nonpreference numbers available. (Page 41).

CHANGE: The new law benefits certain aliens who come under the investor classification. Note that as of this printing no nonpreference numbers have been available since May 1978.

P.L. 97-116 states that the visa numerical limitations shall not apply to any alien who is present in the United States and who, on or before June 1, 1978, met all of the following criteria:

- Qualified as a nonpreference immigrant under the I&NA in effect on June 29, 1978.
- Was determined to be exempt from the labor certification requirement because the alien had actually invested before such date capital in an enterprise in the United States of which the alien became a principal manager, and which employed a person or persons (other than the spouse or children of the alien) who are citizens of the United States or aliens lawfully admitted for permanent residence.
- Applied for adjustment of status.

Section 19 is intended to include the spouse and children of an investor if they also applied for adjustment of status or are applying for adjustment of status at the same time as the principle applicant. If the spouse and children are residing outside the United States at the time of the investor's adjustment or thereafter, they do not qualify under this section of law, and therefore must be petitioned for by the investor.

XII. ADJUSTMENT OF STATUS

Waivers and Permission to Reapply

In some cases, applicants falling under an excludable class may obtain waivers to overcome the bar to immigration . . .

In order to qualify for a waiver, the alien must be closely related to a United States citizen or lawful permanent resident alien.

The granting of an I-601 waiver is discretionary, based on the circumstances and merits involved in each case. It is worth mentioning, however, that waiver relief is not available for aliens found excludable for being convicted of a narcotics law violation or engaging in the illicit traffic of narcotics (section 212(a)(23)) . . . (Page 60).

CHANGE: This section has been amended to provide for a waiver (I-601) for an alien who has been convicted of a single offense of simple possession of thirty (30) grams or less of marijuana. No other drug related offenses are waivable.

This Chapter of the Guide also reads:

. . . The law states that any alien who has ever been deported, or who has within the past year been ordered excluded, or who in lieu of deportation has been removed at government expense, must obtain "Permission to Reapply" before being eligible for an immigrant visa or adjustment of status. (Page 60.)

CHANGE: The law has been modified to eliminate the need for "Permission to Reapply" (I-212 waiver) after five years have passed since the deportation.

An alien must have been outside of the United States an aggregate of five years to qualify for the exemption from the permission to reapply provision. The burden of proof is on the alien to establish the five-year absence.

CHANGE: A new student class, M-1, will become operative June 29, 1982. This class will include vocational and other nonacademic students, but not those enrolled in a language training program.

The new law in effect limits the "F" nonimmigrant visa to students in academic institutions and language training programs. Academic institutions are defined as college, university, seminary, conservatory, academic high school, elementary school, or other academic institutions, or language training program.

XV. ALIEN DOCUMENTATION

C. Re-entry Permit

A re-entry permit . . . serves several purposes. An alien permanent resident, who will be absent from the United States for a period of one year or longer, must have a re-entry permit to retain permanent resident status . . . A re-entry permit is valid for one-year and may be extended for an additional year . . . (Page 79).

CHANGE: This section is amended to allow for issuance of re-entry permits for two years with no extensions.

PHASE II

VISA PROCESSING ABROAD

The changes covered in Phase I, as well as the grounds for exclusion in the Appendix, apply to Phase II.

PHASE III

NATURALIZATION AND CITIZENSHIP

Physical Presence

An applicant must have been physically present in the United States for at least fifty (50) percent of the time to file for naturalization. Absences from the United States of a year or longer break the residency period, and the applicant must generally begin again to qualify. A lawful

N-470 prior to departure in order not to lose time previously accumulated. In some cases the time spent abroad may even be counted toward the residency requirement . . . (Page 172).

CHANGE: This section is amended to extend preservation of residence and/or physical presence benefits to the principal applicant's spouse and children who are all members of the same household and live with the principal applicant while abroad.

Good Moral Character

A naturalization applicant must also be a person of good moral character. Persons considered not to be of good moral character are barred from citizenship. Habitual drunkards, adulterers, persons connected with narcotics . . . are classified as not being of good moral character and may not become naturalized. (Page 173).

CHANGE: Adultery has been repealed as a mandatory bar to establishing good moral character. However, the Service will continue to look at the issue when it arises. The INS will continue to recommend denial on petitions for naturalization when the adultery practiced has adverse public effects; when it breaks up an existing viable marriage; when it is incestuous in nature; when it involves threat or fraud or the taking or giving of money. In applying a uniform standard, the appropriate test should be whether it is harmful to the public, and not whether the act is offensive merely to a personal morality.

CHANGE: This section is also amended to eliminate conviction for a single offense of simple possession of thirty (30) grams or less of marijuana as an absolute bar to a finding of good moral character, which is a condition for naturalization.

Witnesses

When the applicant goes to the examination, he or she will have to bring two United States witnesses . . . (Page 173).

CHANGE: Character witness requirements of two United States citizen witnesses on the petition for naturalization and required depositions of witnesses are no longer required. Witness requirements in other sections of the law on naturalization have also been repealed.

It should be noted that the amendments also repealed the section requiring a petition to stand filed in open court for thirty (30) days before any final hearing can be held. Grant petitions now may immediately proceed to a final hearing on the court calendar.

CHANGE: This section has been amended to provide for a waiver (I-601) for an alien who has been convicted of a single offense of simple possession of thirty (30) grams or less of marijuana. No other drug related offenses are waivable.

APPENDIX G

List of Commonly Used Forms (Page 221)

CHANGE: The Annual Address Report (Form I-53) has been cancelled. As a result, the INS no longer requires aliens in the United States to report their addresses to the agency each January. However, all aliens residing in this country still must report any change in their addresses within ten days of such change to the nearest INS office. Such notification should be submitted on Form AR-11. (Page 221).

Because of the changes in the law affecting naturalization procedures, some "N" forms -- particularly those relating to witnesses -- have been cancelled. Other "N" forms are being revised with additions and/or deletions. For further information, please contact the nearest INS office or the INS Outreach Program.

II. GENERAL INFORMATION

Basically, the Immigration and Nationality laws control the entry, duration of stay and departure from this country of all individuals who are not citizens of the United States. In order to accomplish this, the laws and regulations provide for a number of benefits, privileges, and exemptions. They also list the qualifications and procedures required to obtain these benefits.

Aliens wishing to come to the United States must first obtain a visa from an American consular officer abroad. Visas to the United States may be divided into two general categories:

1. IMMIGRANT VISAS WHICH ENTITLE AN ALIEN TO LIVE PERMANENTLY in the United States.
2. NONIMMIGRANT VISAS which are issued for a specific time period and purpose (such as visitor, businessman, student, etc.) and are based upon a demonstration of the alien's intention to return to his/her residence abroad.

It is important to keep in mind that any alien applying for a visa is presumed to be a potential immigrant to the United States unless the alien proves to the consular officer's satisfaction that he or she is in fact a nonimmigrant.

Generally, only a limited number of immigrant visas may be granted each year. These limitations were set by Congress through passage of the Immigration and Nationality Act (I&NA), as amended. The purpose of the Act is to control immigration into the country.

According to Public Law 96-212, effective April 1, 1980, the I&NA allows for a worldwide ceiling of 270,000 immigrant visas, in addition to visas for immediate relatives, certain special immigrants and refugees. Within the numerical ceiling, a maximum of 20,000 visas may be issued to natives of each country and 600 visas to natives of each colony or dependency.

In most cases, the immigrant visa will be counted or charged against the applicant's country of birth. However, to keep from separating families, an alien's immigrant visa may be charged against the allotment of the country of birth of his/her spouse or parent.

Because one of the purposes of the I&NA is to reunite families, Congress specifically exempted from any numerical limitation immigrant visas issued to immediate relatives. As defined in the law, immediate relatives are the spouses and unmarried minor children of United States citizens, and parents of United States citizens, if the citizens are 21 years of age or older.

Certain preferences under the numerical limitation are provided for by law. These apply to spouses and unmarried sons and daughters of lawful permanent residents, adult sons and daughters, whether married or

There are also preferences for professionally and occupationally skilled workers seeking to perform services determined to be in short supply by the Secretary of Labor.

Refugees outside the United States and aliens who apply for asylum, either inside this country or at its borders, are considered under special sections of the I&NA, as amended.

OUTREACH PARTICIPATION

Outreach participants, particularly those associated with counselling agencies, will most often encounter cases relating to immigration benefits derived from family relationships.

Most importantly, Outreach participants should impress on all applicants that very serious consequences will result from lying, misrepresenting, or practicing fraud in any immigration case. Not only may the application be denied, but criminal prosecution may result, and all future immigration considerations may be adversely affected. Particular attention should be paid to determining the validity of marriages. The Service actively probes questionable cases, and all applicants should be reminded that any statement made on any form is open to investigation.

Outreach participants will be confronted by cases in which no benefits under the law seem to be available. Referral agencies should send these clients to more experienced, accredited volags which may be in a better position to evaluate the case, or to the Service. It should be emphasized, however, that INS respects the counsellor-client confidentiality and does not require Outreach participants to submit information about undocumented aliens to Service offices.

Although community organizations, social service agencies, church groups, etc., and individuals can assist aliens without charge in filling out the basic immigration forms, collecting supporting documents, providing information, etc., Outreach participants are reminded that Title 8, CFR 292.1(a)(3) states that only attorneys and designated staff of accredited voluntary counselling agencies can officially represent aliens before the Service.

Counselling agencies interested in obtaining information on accreditation or a list of accredited agencies can contact:

Outreach Program Office
Immigration and Naturalization Service
425 I Street, N. W.
Washington, D. C. 20536

The Outreach Office provides immigration training programs to counselling agencies on family reunification, visa processing abroad, naturalization/citizenship, exclusion/deportation hearings, etc., and offers specialized literature on a timely basis to the volags participating in the Outreach Program. Agencies interested in the program can contact the Outreach office for further details.

Because INS each year rejects thousands of applications and petitions that are improperly prepared, Outreach participants should be very careful in completing and submitting forms to Service offices. Particular attention should be exercised to make sure the proper form has been filled in accurately and that the required documentation accompanies the submitted forms.

Petitions and applications must be fully completed and legible; therefore, type or carefully print the required information on the forms. Since many forms have several copies -- all of which must be legible -- type or print forcefully in order to penetrate all copies. Otherwise, the illegible form will be rejected, causing the applicant to wait longer to receive the immigration benefit.

It is advisable for Outreach participants to request a more experienced counsellor to check over applications and petitions before their submission to the Service. In addition to providing the assurance of a "double check," the participant's understanding of immigration procedures will be deepened.

Of particular importance to counsellors from voluntary agencies is the trust that must develop between the alien client and the caseworker. Knowledge of all the facts at the outset of the case, regardless of the alien applicant's status, enables the caseworker to determine the applicability of waivers, the possible use of discretion or whether, in fact, there is any help or benefit available to the alien client. Presenting all the pertinent facts honestly and candidly, however negative, helps the counselling agency to analyze and expedite the case.

Samples of forms most commonly filed appear throughout this manual, with a short explanation of each form and its uses. A particular form may have more than one use. The instructions appearing on each form should be carefully reviewed and followed exactly, because they describe in detail the documentation required to be submitted with the form.

SUPPORTING DOCUMENTS

All supporting documents should be submitted in the original or as certified photostatic copies. An original document must be accompanied by a copy if the applicant wants the original returned.

DO NOT MAKE A COPY OF A CERTIFICATE OF NATURALIZATION OR CITIZENSHIP. THIS IS PROHIBITED BY LAW. If copies are permitted by law -- especially in cases where documents are rare, old, or difficult to replace -- it may be advisable to retain the original and to submit certified copies. Certified copies may be made by making photocopies of the original document, and having these copies certified in writing that they were seen and compared with the original. This "certification" may be made by an attorney, accredited representative of a recognized nonprofit voluntary agency, Immigration and Naturalization Service-designated employee, or consular officer. However, the original may also be required at the discretion of the office adjudicating the petition or application.

TRANSLATIONS

All foreign-language documents must be accompanied by a translation into English. The translator must certify the accuracy of the translation and his/her competency to translate. The following is an example of a translator's certification:

Translator's Certification

I, (Name), hereby certify that I am competent to translate from the language into English and that the above (and/or attached) is an accurate translation of the original document.

(Signature)

Name of Translator (typed or printed)

Address

Date

Because some INS District Offices accept summary translations, such documents as birth, marriage, and death certificates, etc., it may be possible to save time in processing cases by submitting abstract translations. Please check with the INS office, however, to determine if the summary translations are acceptable. Note that even if summaries are accepted, Service officers reserve the option of requiring full translations, especially in complicated cases, such as divorce decrees, adoptions, legitimated children, etc. (For examples of summary translations, please see the Appendix.)

In reference to documents submitted overseas for visa processing, the Department of State accepts documents without translations if the original is in English or the language of the country where the American consulate is located.

When visa processing takes place abroad, certifications of translations must be notarized. This applies to petitions submitted originally to INS and then, upon approval, forwarded to an American consulate overseas.

Although the Service does not require that certifications of translations be notarized, certifications of translations which are not notarized should be submitted only when the alien applicant in the United States is eligible for adjustment of status.

SECONDARY EVIDENCE

In some cases, primary evidence (e.g., birth, marriage and death certificates; divorce, annulment and adoption decrees, etc.) may not be available, or it may be extremely difficult to obtain the original documents from mainland China and the Philippines. Petitions for relatives from these and other countries are often referred to as "secondary evidence" petitions.

the following may be submitted for consideration.

1. Baptismal certificate -- A certificate under the seal of the church where the baptism occurred showing the date and place of the child's birth, the date of baptism, the names of the child's parents and the names of the godparents, if shown.
2. School record -- A letter from the school authorities having jurisdiction over school attended (preferably the first school) showing the date of admission to the school, the child's date of birth or age at the time, the place of birth, and the names and places of birth of the parents, if shown in the school records.
3. Census Record -- State or Federal Census Record showing the name(s), place(s) of birth, and date(s) of birth or age(s) of the person(s) listed.
4. Affidavits -- Written statements sworn to or affirmed by two individuals who were living at the time and who have personal knowledge of the event to be proved, for example, the date and place of a birth, marriage, or death. The individuals making the affidavits may be relatives and need not be citizens of the United States. Each affidavit should contain the following information regarding the person making the affidavit: his/her full name and address; date and place of birth; relationship to subject, if any; full information concerning the event; complete details concerning how he/she acquired knowledge of the event.

For suggestions on how to prepare secondary evidence relative visa petitions, refer to the Appendix.

When preparing applications and petitions, there are other key items that every caseworker should know:

PHOTOGRAPHS

If photographs are required, such as in applications for adjustment of status, note that the new instructions require the following:

- Glossy color photos must be submitted for applicants, regardless of age.
- The pose must be a 3/4" frontal portrait with the right ear exposed.

- Photos should be taken within 30 days prior to submitting the application.

A felt-tipped pen may be used to lightly and carefully print the applicants's name (LAST NAME, first name) and "A" Number (INS file number), if known, on the back of each photograph so that photos may be identified and returned to the file if they are separated from the form. The photos should be placed in a small envelope, specifically marked, and attached to the application.

FINGERPRINTS

It is advisable that fingerprints be taken at the nearest INS office where fees for this service are not charged. Note that the impressions of the fingerprints must be clearly visible. Otherwise, the prints will be rejected by the Service, causing processing delays. In most localities, local police or other law enforcement departments require fees for taking fingerprints.

NOTICE OF APPEARANCE ON BEHALF OF AN ALIEN (Form G-28)

Form G-28 notifies the Service that an alien is being officially represented. The form is signed by a staff attorney or an accredited representative of a counselling agency. It is submitted with the petition or application, and it enables the representative to inquire officially and receive information about the status of an alien's case.

COVER LETTER

For each petition or application and accompanying documents, it is helpful to attach a cover letter addressed to the appropriate section of the Service. The letter should include:

- The name of the client, the immigration file number (A number) if known, and the benefit or relief sought.
- A complete, numbered list of each petition/application, each supporting document and translation, each item required by the forms, and the filing fee.

The letter serves as a check-list for the INS officer processing the case, and by retaining a copy of the correspondence, the caseworker has a record of all that has been submitted.

KEEPING FILE COPIES

Copies of each application or petition submitted to the Service for adjudication and the accompanying documents and translations, as well as a copy of the cover letter, should be retained for the record by the

receipt is provided by the Service. The original receipt should be kept as part of the record by the caseworker. This constitutes proof that 1) the petition or application has been submitted to the Service and 2) the Service has duly recorded that the fee has been paid.

To avoid difficulties, clients should be advised to pay the fees with a personal check or money order. Remember, do not send cash through the mails.

PROOF OF FILING

If an application requiring a fee is submitted in person, the form is date-stamped as received by the Service. The person submitting the application can ask that a photocopy of the application be time-stamped. This should be retained as proof of filing in the case record.

MAILING APPLICATIONS OR PETITIONS

When an application or petition and supporting documents must be mailed to an INS office, it is suggested that it be sent via CERTIFIED MAIL, RETURN RECEIPT REQUESTED. The returned receipt card, when signed by a Service employee, is proof of the form's acceptance and should be kept on file by the caseworker.

Because most voluntary agencies assist aliens to immigrate to the United States to join their families, this chapter describes in detail how the closest family members -- defined in the law as immediate relatives -- qualify for immigrant visas.

This special group of immediate relatives includes parents, spouses, and minor unmarried children of United States citizens.

As was stated earlier in the Guide, immediate relatives are not subject to the visa numerical limitation. This means they are not counted against the worldwide annual allotment of 270,000 immigrant visa numbers. There is no limit to the number of people who may immigrate to the United States as immediate relatives.

Let us take a closer look at the immediate relative categories, the supportive documentation required to prove these relationships and the forms that must be completed and submitted to the Service.

A. SPOUSES OF UNITED STATES CITIZENS

A United States citizen (petitioner) may petition for an alien husband or wife (spouse/beneficiary).

In order to petition for a spouse, a valid marital relationship must exist. The marriage must be valid in law in the country or state in which performed. Any previous marriages contracted by either party must be terminated before the marriage on which the petition is based is contracted.

The parties must have the intention of living together as husband and wife. The marriage cannot have been entered into merely to arrange for the immigration of the alien or for any other benefit.

Unfortunately, marriage is an area of immigration that has been a source of much fraud. Consequently, the Immigration Service examines all these applications very carefully, and many are subjected to intensive investigations.

Applicants should be made aware that, in all questionable cases, investigations will be conducted to verify the truth of statements made or documents submitted. Cases of detected fraud will not only result in the denial of the petition or application, but may result in criminal prosecution and penalties. In addition, individuals found to have practiced fraud against the Immigration Service may jeopardize their chances of ever gaining lawful admission to the United States.

Documentation Normally Required

- Proof that petitioner is a United States citizen (a birth certificate, a certificate of naturalization, a certificate of

citizenship, or a United States citizen identification card (I-196)). If the petitioner does not have a certificate of citizenship, he/she must submit documentation establishing his/her claim to United States citizenship.

- Marriage certificate of the petitioner and beneficiary.
- Divorce or annulment decree(s) or death certificate(s) proving termination of any prior marriages of the petitioner and/or beneficiary.

Form Used -- I-130 petition.

B. CHILDREN OF UNITED STATES CITIZENS

Children of United States citizen parents are also exempt from the numerical limitation on annual immigration. In order to qualify as the child of a United States citizen, a child must be the legal child of the petitioner as defined in the Immigration Act. This means the relationship must be established within one of the accepted definitions of child found in the Act. A child is an unmarried person under the age of twenty-one (21).

Six categories of children as defined by the law are listed below:

1. Legitimate Child

Usually, a legitimate child is born in wedlock. The mother and father are legally married to each other before the child is born. The status of legitimacy, therefore, exists from the moment of birth. In certain countries and states, specific statutes make children born outside of wedlock legitimate. Whether a child is legitimate at birth without a marriage is determined by the laws of the specific country or state.

Documentation Normally Required

If the child is legitimate, either parent may petition for the child and submit the following documents:

- Proof that the petitioner is a United States citizen.
- Birth certificate of the child, proving that the child is the offspring of the parent.
- Marriage certificate of the parents, (Please note that this document is required if the petitioner is the father.)
- Proof of termination of all prior marriages of either parent, if the father is the petitioner.

Form Used -- I-130 petition(s) for each beneficiary child.

statutory distinction between the illegitimate child of the natural father and the illegitimate child of the natural mother, ruling that the illegitimate child could derive an immigration benefit only through its natural mother (Fiallo v. Bell, 430 US 787 (1977)).

Documentation Normally Required

- Proof that the petitioner is a United States citizen.
- Birth certificate of the child, proving that the child is the offspring of the parent.

Form Used -- I-130 petition for each beneficiary.

3. Legitimated Child

The definition of a legitimated child refers to the relationship between a natural father and his child born out of wedlock. In such a case, the natural father, who is the petitioner, is not married to the natural mother of the child at the time of the child's birth. Under the Immigration and Nationality Act, an illegitimate child can be legitimated under the laws of either the child's or the father's residence or domicile, whether in or outside of the United States, before the child's eighteenth (18th) birthday, and while the child is in the legal custody of the legitimating father.

The traditional Western law of legitimation makes the marriage of the natural parents, after the child's birth, the only method of legitimation. The child is thus legitimated on the date of the parents' marriage. United States immigration law requires this marriage to occur before the child's eighteenth (18th) birthday.

Certain countries and states have laws differing from the traditional Western law of legitimation. These laws provide for legitimation by the natural father through acts other than marriage to the child's mother. Acknowledgment of paternity or "recognition" ("reconocimiento" in Spanish language countries) by the father of the child; acceptance of the child by the father into his household; and the father's treating the child as if it were legitimate may be acts sufficient to legitimate the child. In order to be considered legitimation, however, these actions must be recognized by the law of a given country or state. If the father's actions legitimate the child, United States immigration law requires that they occur before the child's eighteenth (18th) birthday.

Documentation Normally Required

- Proof that the petitioner is a United States citizen.
- Birth certificate of the child.
- Marriage certificate of the petitioner (if applicable).
- Proof of termination of prior marriages (if any).
- Court decree or affidavit of natural father or parents or any other evidence supporting the legitimating acts by the natural father while the child is in his custody.
- Copy and certified translation of the civil law governing legitimation of the country or state where the legitimation occurred.

Form Used — I-130 petition for each beneficiary.

4. Stepchild

A stepchild may be petitioned for, whether or not born out of wedlock, provided the child had not reached the age of eighteen (18) years at the time the marriage creating the status of stepchild occurred. Under this definition, a stepmother may petition for her husband's illegitimate child, even though he cannot. It is noteworthy to mention that if a stepchild relationship is established, it is not necessary for immigration purposes to reinforce the relationship by adoption.

Documentation Normally Required

- Proof that petitioner is a United States citizen.
- Marriage certificate of stepparent and natural parent.
- Proof of termination of their previous marriages (if any).
- Marriage certificate of child's natural parents (if child is a legitimate child).

Suggested Additional Documentation

Affidavits from stepmother and natural father and other available proof to establish a familial relationship.

Form Used — I-130 petition for each beneficiary.

5. Adopted Child

An adopted child may be petitioned for if he/she is adopted under the age of fourteen (14) years and has thereafter been in

the legal custody of, and resided with, the adopting parents for at least two years. The two-year residence period can occur before or after the adoption; however, the two-year custody period must follow the adoption. If both husband and wife are the adopting parents, either or both may satisfy the custody and residence requirements.

The custody and residency requirements should be looked at carefully. For example, legal custody does not require actual physical custody. It should also be noted that time spent by the prospective parent(s) living with the child before the adoption can be used to satisfy all or part of the residency requirement. Natural parents should be advised that they cannot derive any immigration benefits from a child who gains immigration benefits from an adoption.

Documentation Normally Required

- Proof that petitioner (adoptive parent) is a United States citizen.
- Certified copy of adoption decree.
- Proof of age of adopted child.
- Affidavit from adoptive parent(s) establishing two-year residence with child, accompanied by documents supporting this claim.

Form Used: I-130 petition for each beneficiary.

(Note: The petition should not be filed until two years after the adoption is final.)

6. Orphan Child

A petition may be filed in behalf of an orphan to classify the child as an immediate relative of a United States citizen. Only a United States citizen can petition for an orphan; a lawful permanent resident cannot. To qualify as an orphan under the immigration laws, the child must be under the age of fourteen (14) years at the time the visa petition is filed in his behalf. The child must be an orphan because both parents have died or disappeared, or abandoned or deserted him, or the child has become separated or lost from both parents.

If the orphan has one parent, that parent must be incapable of providing for his care and must have irrevocably released, in writing, the child for emigration and adoption.

The orphan must have either been adopted abroad or be coming to the United States to be adopted by the petitioner. The petitioner must be married or, if single, be at least

the child is adopted abroad, the petitioner, if married, and his/her spouse must have personally seen and observed the child prior to or during the adopting proceedings. If the child is coming to the United States to be adopted, the petitioner must establish that the preadoption requirements, if any, in the state in which the family will reside have been met. Required also, as a result of a change in the law in 1978, is a valid and favorable home study. This study must be recommended either by an authorized agency in the state where the child will reside, or in the case of a child adopted abroad, by an agency licensed in the United States. A home study conducted by an unlicensed or foreign agency or individual, however, may be used as a basis for a favorable recommendation.

As in the case of an adopted child, a natural parent may not receive any immigration benefit from a child who has immigrated as an orphan.

Documentation Normally Required

- Proof that the petitioner is a United States citizen.
- Marriage certificate of petitioner and spouse (if married).
- Proof of termination of any prior marriages of either spouse (if any).
- Proof that the child is legally an orphan (or, if child has a natural parent, an irrevocable release for emigration and adoption).
- Evidence of a favorably recommended, valid home study.
- Evidence that pre-adoption requirements have been met in the intended state of residence (if child is coming to the United States for adoption).
- Fingerprints of petitioner and, if married, fingerprints of spouse.

Form Used -- I-600 for each orphan, Form FD-258 for fingerprints.

C. PARENTS OF UNITED STATES CITIZENS

Parents of United States citizens are also exempt from the numerical limitation. Basically, the petitioning son or daughter must establish that he/she is the child of the parent by the same standards outlined earlier in this text for establishing eligibility for a parent to petition for a child. To petition for a parent, the United States citizen petitioner must

be at least twenty-one (21) years of age. It does not matter whether the United States citizen petitioner is single or married or whether the parent is single or married.

An illegitimate child, who becomes a son or daughter on his/her twenty-first (21st) birthday, can petition for his/her mother but may not petition for his/her father. An adopted son or daughter may not petition for his/her natural parent or parents. Stepchildren may petition for their natural parents if they fit the definition of the basic parent/child relationship.

Documentation Normally Required

- Proof that the petitioner is a United States citizen.
- Petitioner's United States birth certificate.
- Marriage certificate of beneficiary's parents, if applicable.
- Death or divorce certificates, if applicable.

Form Used -- I-130 petition for each beneficiary.

V. ELIGIBILITY FOR IMMIGRANT VISAS:
THE PREFERENCE SYSTEM

Congress has provided for other aliens to enter the United States as permanent residents. These aliens are allowed to immigrate to this country under the numerical limitation preference system.

As previously stated, the law provides that a total of 270,000 aliens, other than those exempted from the annual limitation, may immigrate to this country each year. Of the worldwide ceiling, each country is allocated 20,000 immigrant visas per year, and certain colonial dependencies are limited to 600 immigrant visas annually.

The numerical limitation system is divided into seven preference categories and the total number of immigrant visas is divided among the first six categories on a percentage basis. The remaining class, non-preference, consists of unused numbers from other preferences.

Before considering these preference categories, it is important to emphasize two points:

- One of the basic intentions of the preference system is the reunification of families.
- Within this principle, the greatest number of preferences, and, hence, visa numbers, are set aside for family members of United States citizens.

There is only one preference category that applies specifically to family reunification for lawful permanent resident aliens.

Congress has also provided for immigrants with no close family ties in the United States. The entry of these classes is based on professional or occupational skills in short supply in this country or on an alien's status as a refugee. The nonpreference category is made up of additional miscellaneous groups not accounted for in the other preferences.

The following are the classifications, criteria, and numerical limitations per country of each of the seven preferences:

- First Preference: Unmarried sons and daughters of United States citizens; twenty (20) percent of the overall limitation, or, 4,000 per country.
- Second Preference: Spouses and unmarried children or sons and daughters of aliens lawfully admitted for permanent residence; twenty-six (26) percent of the overall limitation, or 5,200 per country.
- Third Preference: Members of the professions or persons of exceptional ability in the sciences or arts; ten (10) percent of the overall limitation, or 2,000 per country.

(10) percent of the overall limitation, or 1,000 per country.

Sixth Preference: Skilled and unskilled workers in short supply; ten (10) percent of the overall limitation, or 2,000 per country.

Nonpreference: Other immigrants; numbers not used by any of the other six categories and only available if there are numbers left over.

At this point, it is appropriate to discuss each of the preferences individually.

VI. ELIGIBILITY FOR IMMIGRANT VISAS:
FAMILY REUNIFICATION

As one can readily see, the bulk of the immigrant visas allocated annually under the preference system goes to those aliens having the closest family ties to United States citizens. To illustrate this point, let us concentrate on those preferences which confer benefits to close family members of United States citizens:

A. FIRST PREFERENCE

Unmarried sons and daughters of United States citizens.

Any son or daughter of a United States citizen, regardless of age, may be petitioned for under first preference, provided that he or she is not married. He/she must have qualified as the child of the citizen petitioner under one of the definitions given earlier relating to immediate relatives. That is, he/she would be classified as an immediate relative, except that he/she has reached the age of twenty-one (21) years.

Thus, the first preference relates to adult, unmarried children of United States citizens. Unmarried is defined as an alien who is single, someone who has never married or is now widowed or divorced.

The beneficiary son or daughter, although unmarried, may have minor children. In order to preserve the family unit, Congress has allowed for the children to accompany or join the beneficiary as immigrants. The minor children are allowed to immigrate to the United States under Section 203(a)(8) of the Immigration and Nationality Act. Separate I-130 petitions, however, are not required for the accompanying children.

If a visa petition is approved for the child of a United States citizen under the immediate relative classification, and the child for some reason fails to obtain an immigrant visa and enter the United States before his or her twenty-first (21st) birthday, the visa petition is automatically converted to first preference at age twenty-one (21).

To establish the first preference relationship between the United States citizen and the unmarried son or daughter, the citizen petitioner must file Form I-130. It is completed in the same manner as described for immediate relatives, and is accompanied by:

Documentation Normally Required:

- Proof that the petitioner is a United States citizen.
- If the petitioner is the father, marriage certificate of the parents.
- Birth certificate of beneficiary.
- Proof of termination of any previous marriages of beneficiary, if applicable.

these aliens must meet one of the definitions for child given in the section on immediate relatives, except that they may be adults and may be married. The spouse and unmarried minor children of an alien qualified under fourth preference are also chargeable to that category if accompanying or following to join the alien for whom the visa petition has been approved.

To establish the relationship of fourth preference eligibility, the petitioner must submit a separate I-130 for each married son/daughter. The beneficiary's spouse and minor children must be listed on the same I-130 petition; a separate petition for them is not necessary.

Documentation Normally Required:

- Proof that the petitioner is a United States citizen.
- If the petitioner is the father, marriage certificate of the parents.
- Birth certificate of the beneficiary.
- Proof of termination of any prior marriages of the beneficiary, if applicable.

Form Used: I-130 petition.

C. FIFTH PREFERENCE

Brothers and sisters of United States citizens.

A United States citizen may petition for a brother or sister only if the United States citizen petitioner is twenty-one (21) years of age or older. To petition for a brother or sister, the petitioner and beneficiary must have been at some time the children of at least one common parent, within one of the definitions of the parent-child relationships discussed previously in this Guide. In general, the age of the beneficiary brother or sister is immaterial.

A step-brother/sister may petition for a step-brother/sister provided the status of "step-child" was acquired before reaching the age of eighteen (18). If a step-relationship is present and the common parent is the father, the petition must prove that the father was married to both mothers, and that the marriage to the first mother or any other previous marriages were legally terminated.

An illegitimate child may petition for his/her illegitimate brothers/sisters from a common father, or vice versa, provided the illegitimate child was legitimated before the age of eighteen (18) years.

If either the petitioner or the beneficiary is adopted, the adopted sibling (brother/sister) must have been adopted while under the age of fourteen(14) and must have been in the legal custody of and resided with the adopting parent or parents for a least two years.

It is common for the beneficiary brother/sister to be married to a spouse and have children, who may be eligible to accompany or follow to join the beneficiary. In such cases Section 203(a)(8) outlined earlier in this chapter takes effect with the family members being charged to the same preference classification.

Documentation Normally Required:

- Proof that the petitioner is a United States citizen.
- Birth certificates of petitioner and beneficiary.
- Marriage certificates of parents and any necessary divorce decrees or death certificates, if applicable.
- Adoption decrees or legitimation decrees, if applicable.

Form Used: I-130 petition (for each beneficiary).

Having covered the preferences in which United States citizens can petition for close relatives, let us now focus on the only preference available to families of lawful permanent residents. That category is second preference.

D. SECOND PREFERENCE

Spouses and unmarried sons or daughters of lawful permanent residents.

Second preference is available only to the spouses and unmarried sons or daughters, regardless of age, of aliens lawfully admitted for permanent residence.

Lawful permanent residents can petition for their legitimate, illegitimate, legitimated, step and adopted sons or daughters provided they are unmarried and fit the definitions of children described in Chapter IV.

Please note that lawful permanent residents cannot petition for their parents. Only United States citizens over twenty-one (21) years of age are allowed that privilege.

An alien, previously married, may qualify under second preference as an unmarried son or daughter upon the death of his/her spouse or the termination of his or her marriage. In that sense, the alien resumes the status of "unmarried."

becomes married, would, of course, become eligible to be petitioned for under fourth preference classification upon the naturalization of one of his/her parents.

Unmarried sons or daughters eligible to immigrate under the second preference may have unmarried minor children. These children are qualified to accompany or follow to join the beneficiary according to procedures reviewed earlier in the Guide.

Documentation Normally Required:

1. Proof that the petitioner is a lawful permanent resident (usually alien registration card, Form I-551 or I-151).
2. If the petitioner is filing for a spouse:
 - a. Marriage certificate of the petitioner and the beneficiary.
 - b. Proof of termination of any prior marriages of the petitioner or beneficiary, if applicable.
3. If the petitioner is filing for an unmarried son or daughter, regardless of age:
 - a. If the petitioner is the father, marriage certificate of the petitioner.
 - b. Birth certificate of the beneficiary.
 - c. Proof of termination of beneficiary's marriage(s), if previously married.

Form Used: I-130 petition must be filed for each beneficiary.

Section 212(a)(14) of the Immigration and Nationality Act provides that all aliens seeking to enter the United States for the purpose of engaging in employment must first obtain a certification from the Secretary of Labor stating:

- That there are not sufficient American citizens or permanent resident aliens who are willing, available and qualified to perform the work intended by the alien, and;
- That the alien's employment will not adversely affect the working conditions of persons similarly employed in the United States.

The preferences permitting an alien to seek admission to the United States as an immigrant on the basis of professional or occupational skills are:

Third Preference: This classification covers qualified alien beneficiaries who are either members of the professions or persons of exceptional ability in the sciences or arts.

A professional may be a teacher, engineer, medical doctor, clergyman or other person pursuing a field requiring advanced training. (Note: a clergyman may also qualify as a special immigrant; please see page 47. A professional would have academic credentials equal to at least a bachelor's degree from a recognized American university of college.

An alien beneficiary claiming exceptional ability in the arts and sciences must show that his/her talents will substantially benefit the national economy, cultural interests, or welfare of the United States. The labor certification applicant should provide documentation testifying to his/her current widespread acclaim, receipt of internationally recognized prizes or awards, and that he/she belongs to organizations or associations requiring outstanding membership achievement.

Sixth Preference: This classification pertains to alien beneficiaries who have skilled or unskilled occupations or professions. Employment cannot be of a seasonal nature, and there must be a shortage of employable and willing persons in this occupation in the United States.

Both third and sixth preference petitions must be supported by job offers and labor certifications. Normally, outreach workers would not become involved in processing alien labor certifications. These cases include an employer and a prospective employee, and the employer may retain the services of an experienced attorney to represent his/her company. Voluntary agencies approached by employers on labor certifications may want to refer them to the appropriate local bar association.

The employer initiates the process, applying for an alien certification to the Department of Labor, through the local State Employment Service office having jurisdiction over the alien's place of intended employment.

Application is made on Department of Labor Form ETA 750, "Application for Alien Employment Certification."

Filling out these forms requires considerable expertise, particularly in developing the job description. It is crucial to note that the description cannot be written in such a way as to fit only the alien's qualifications. Many labor certifications are rejected frequently for this reason. The description of the work to be performed, and the qualifications necessary to perform that work must be related directly to the job. For example, it would not be necessary for a Chinese speciality cook to have served as a crewman on a Greek freighter.

As part of the labor certification application process, the employer must actively advertise the vacancy in the local area and attempt to recruit United States citizens and permanent residents to perform the job. State employment offices will also take part in trying to find a qualified person to fill the vacancy.

The approved labor certification indicates that a vacancy exists for the type of worker sought by the employer and that further, since no qualified citizen or permanent resident was found to perform the job, the employer is free to petition for the alien to fill the position.

The alien may qualify for a blanket labor certification if he possesses unique skills that are consistently in short supply in the United States. (See Schedule A, Blanket Labor Certification, page 37.)

In some cases, despite his/her skills, the alien will not qualify for a labor certification because the job sought falls under a category of certain occupations generally having sufficient workers who are able, willing, qualified and available to work. (See Schedule B, page 38.)

Once the employer has obtained an approved labor certification, or it has been verified that the alien is entitled to a Schedule A labor certification, the employer then submits a visa petition (Form I-140) to the Immigration Service for further examination. Successful processing may lead to the alien employee receiving an immigrant visa to work permanently in the United States.

In third preference cases, the I-140 may be filed either by the prospective employer or by the alien beneficiary. The documentation

Schedule A cases, however, Form I-140 is submitted to INS in support of Form I-140, and should not be submitted to the Department of Labor.

- Appropriate documentation supporting the labor certification.

If the case comes under sixth preference, the I-140 is filed by the employer with the following required documentation:

- Approved labor certification or proof of eligibility for a Schedule A labor certification. The labor certification is processed in the same manner and on the same form as in a third preference case.
- Appropriate documentation supporting the labor certification.

It is possible for an alien with third preference qualifications to apply also for sixth preference classification. However, aliens with job skills fitting only sixth preference are not eligible for third preference as well.

Questions concerning alien labor certifications should be directed to the local State Employment Service or to the United States Department of Labor, Employment and Training Administration.

SCHEDULE A BLANKET LABOR CERTIFICATION

Occupations Habitually in Short Supply

Certain occupations have been determined by the Administrator, United States Employment Service, to be habitually in short supply in the United States. These occupations have been designated, pursuant to Title 20, Code of Federal Regulations, part 656.10 as qualifying aliens for blanket certifications. Aliens qualified in these occupations do not need to apply for job offer labor certifications. They may apply directly for their preference classifications and adjustment of status or immigrant visas abroad. These schedules are subject to periodic revision. Occupations currently so designated are as follows:

- Physical Therapists: Individuals who apply the art and science of physical therapy to the treatment of patients with disabilities, disorders and injuries to relieve pain, develop or restore function and maintain performance, using physical means, such as exercise, massage, heat, water, light and electricity, as prescribed by a medical doctor. An applicant for Schedule A labor certification as a physical therapist must submit a letter or statement signed by an authorized state physical therapy licensing official in the state of intended employment stating that the alien is qualified to take that state's written licensing examination for physical therapists.

Commissioner of Health Administration. The Commissioner of Health Administration of HHS must certify that the alien will be employed in a geographic area which has been designated as a Health Manpower Shortage Area for his/her medical speciality, or which has an insufficient number of physicians or surgeons in his/her speciality.

- C. Professional Nurses: Individuals who apply the art and science of nursing, who have passed the examination given by the Commission on Graduates of Foreign Nursing Schools or who hold a full and unrestricted license to practice professional nursing in the state of intended employment.
- D. Arts or Sciences: Individuals, except for aliens in the performing arts, of exceptional ability in the arts or sciences who have been practicing their science or art during the year prior to application. To qualify under this category, an alien must provide proof of current widespread acclaim and international recognition, internationally recognized awards or prizes, affidavits or published material by or about the alien and/or his/her work, documentation showing that his/her work experience during the last year and his/her intended work in the United States require exceptional ability, etc.
- E. Religious: Individuals who seek to enter the United States in order to perform a religious occupation such as preaching or teaching of religion or aliens with a religious commitment who will work for a nonprofit religious organization. These aliens must have been primarily engaged in the religious occupation or in working for the non-profit religious organization for the two years immediately prior to the application and intend to be principally engaged (more than 50 percent of their working time) in performing the occupation for which the application is being made.
- F. Intra-company Transferees: Individuals who have been admitted to or will be coming to the United States to work in managerial or executive positions with international corporations or organizations with which they have been employed in managerial or executive capacities for at least a year before coming to the United States. The international corporation or organization must have been doing business in the United States for at least one year prior to the application.

SCHEDULE B

Occupations for Which a Labor Certification Cannot be Granted

The administrator has also determined that there are certain occupations for which there are generally sufficient United States workers

certifications cannot be granted in these fields. Unless their prospective employer can establish that he/she has tried unsuccessfully to obtain workers for the occupations and can obtain waivers of Schedule B, aliens will not be able to obtain alien labor certifications and should not be encouraged to seek immigration based on these occupations. The occupations designated as Schedule B are as follows:

- (1) Assemblers
- (2) Attendants, Parking Lot
- (3) Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreations Service Attendants)
- (4) Automobile Service Station Attendants
- (5) Bartenders
- (6) Bookkeepers II
- (7) Caretakers
- (8) Cashiers
- (9) Charworkers and Cleaners
- (10) Chauffeurs and Taxicab Drivers
- (11) Cleaners, Hotel and Motel
- (12) Clerks, General
- (13) Clerks, Hotel
- (14) Clerks and Checkers, Grocery Stores
- (15) Clerk Typists
- (16) Cooks, Short Order
- (17) Counter and Fountain Workers
- (18) Dining Room Attendants
- (19) Electric Truck Operators
- (20) Elevator Operators
- (21) Floorworkers
- (22) Groundskeepers
- (23) Guards
- (24) Helpers, any industry
- (25) Hotel Cleaners
- (26) Household Domestic Service Workers
- (27) Housekeepers
- (28) Janitors
- (29) Key Punch Operators
- (30) Kitchen Workers
- (31) Laborers, Common
- (32) Laborers, Farm
- (33) Laborers, Mine
- (34) Loopers and Toppers
- (35) Material Handlers
- (36) Nurses' Aides and Orderlies
- (37) Packers, Markers, Bottlers, and Related
- (38) Porters
- (39) Receptionists
- (40) Sailors and Deck Hands
- (41) Sales Clerks, General
- (42) Sewing Machine Operators and Handstitchers

- (45) Telephone Operators
- (46) Truck Drivers and Tractor Drivers
- (47) Typists, Lesser Skilled
- (48) Ushers, Recreation and Amusement
- (49) Yard Workers

EXEMPTIONS FROM LABOR CERTIFICATION REQUIREMENT

Exceptions to the labor certification requirements are provided for aliens qualified as immediate relatives of United States citizens or as family members fitting the first, second, fourth or fifth preference categories.

Referred to are the spouses and children of United States citizens or permanent resident aliens and brothers, sisters and parents of United States citizens over 21 years of age.

Exempted also are members of the United States armed forces, persons coming as fiance(e)s to marry United States citizens, and female fiancées of lawful permanent residents. Foreign investors in a business in the United States and aliens who prove to the satisfaction of INS or an American consul abroad that they can support themselves or will be supported without entering the labor market are also exempt from a labor certification.

Accompanying family dependents of aliens immigrating to the United States share in the qualifications established by the alien and are also exempt.

Special immigrants, returning residents, and aliens eligible for benefits under the Silva case are exempt from the labor certification requirement. (See section on Other Immigrants, page 47.)

*A foreign medical school graduate does not need to pass either examination if:

- (1) He/she has international renown in medicine;
- (2) As of January 9, 1977, he/she was licensed to practice medicine in a state of the United States, was practicing medicine in a state, and had a specialty certificate issued by a constituent board of the American Board of Medical Specialties; or
- (3) He/she was graduated from a medical school accredited by a body approved by the Secretary of Education.

numbers available. The category has been closed for the past few years. Those who apply are placed on a waiting list until numbers are accessible. Because of the indefinite waiting period, if it is possible to file for an immigrant visa number under another preference, an alien would be well-advised to do so.

A nonpreference application for an immigrant visa may be made at an American consulate abroad. However, an alien in the United States may not apply for adjustment of status unless a visa number is available at the time of submitting the application.

With few exceptions, covered separately in this section, all nonpreference immigrants must obtain an alien labor certification to establish that their admission to the United States will not have an adverse effect on the wages and employment conditions of workers in the United States. (See section on labor certifications, page 35.)

In addition to other applicants, beneficiaries of approved third or sixth preference visa petitions may apply under the nonpreference visa allocation, if such an application would be more favorable to the alien. This procedure would eliminate the requirement of filing an I-140 petition with the INS but, of course, the entire matter would depend on the availability of nonpreference numbers.

EXEMPTIONS FROM THE ALIEN LABOR CERTIFICATION REQUIREMENT

Some nonpreference immigrants are exempted from the alien labor certification requirement. They are as follows:

A. INVESTORS

Aliens who have or are in the process of investing capital in business enterprises in the United States may adjust status to that of lawful permanent residents or apply for immigrant visas abroad without obtaining alien labor certifications.

To qualify, an alien must invest a minimum of \$40,000 in a business or agricultural enterprise producing some goods or services. The investor may not merely buy stocks or bonds or place the money in a savings institution. The business purchased must expand the labor market, that is, hire people other than the alien or members of his/her immediate family, and the investor must be a principal manager in the business.

Forms required are the same for general adjustment of status, plus Form I-526, accompanied by documentation to establish that the alien was in possession of the required funds, that he or she actually

This is an area of some fraud and misrepresentation, and these applications are often subject to intensive interviews and investigations.

It should be emphasized that investor applications are often complex and time-consuming. Voluntary counselling agencies approached by investors should refer them to local bar associations.

B. ALIENS WHO WILL NOT ENTER THE LABOR MARKET:

Aliens who can establish to the satisfaction of the Service or the American consul abroad that they are independently wealthy and have substantial income from investments, retirement annuities, or will be supported by relatives and will not seek or accept employment in the United States, may also apply for immigrant visas under non-preference. This group is generally comprised of aged parents of lawful permanent residents, aged relatives of United States citizens or permanent residents, and wealthy retirees. All other requirements for adjustment of status or obtaining an immigrant visa must be met.

C. FEMALE FIANCEES OF LAWFUL PERMANENT RESIDENTS

Female fiancées of lawful permanent residents may be admitted to the United States to marry only when nonpreference numbers are available. Because nonpreference has been unavailable for some time, these applications may never be reached. It is usually better for the permanent resident to travel to the fiancée's country, marry there, and apply at the American consulate abroad under second preference. (See section on Second Preference, page 61.)

Please note that when nonpreference is available, fiancées of permanent residents may prove their eligibility for exemption from labor certification requirements by using Form G-641.

IX. REFUGEES AND ASYLEES

A comprehensive "Refugee Act" took effect in United States immigration law on April 1, 1980. Among other things, the law defined the term "refugee" and radically changed immigration procedures for persons so defined.

The act provides for the classification of aliens abroad as "refugees" if they meet the definition of "refugee" and for the issuance to them of refugee documents to come to the United States if they also fall within any category which is of "special humanitarian concern" to the United States. It also gives a statutory basis for the granting of asylum to any alien (1) physically present in the United States, (2) at a land border, or (3) at any non-border port of entry, irrespective of that alien's status, if he or she meets the definition of a refugee."

The Refugee Act standardized procedures for granting lawful permanent residence to all refugee-immigrants and aliens granted asylum. It also provided that all refugees admitted or paroled into the United States prior to the effective date of the act need wait only one year before applying for lawful permanent resident status.

DEFINITION OF REFUGEE

The Refugee Act provides a statutory definition of refugee. The definition makes it clear that persecution, or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion must be the basis for any alien's claim to classification as a refugee.

Furthermore, the person who is persecuted, or has a well-founded fear of persecution, must not have ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.

To meet the definition of refugee, the alien must be outside his or her country of nationality, or, if stateless (no nationality), outside his or her country of last habitual residence, unless the President has determined that special circumstances warrant refugee classification while the alien is inside his or her country of nationality, or, if stateless, inside his or her country of last habitual residence. The refugee must be unable or unwilling to avail him or herself of the protection of that country.

NUMBER OF REFUGEE-IMMIGRANTS AUTHORIZED.

The President, after formal consultation with Congress, shall determine the number of refugees to be admitted each year. Although the number 50,000 was proposed in the law as a "normal flow," the President in 1980 authorized the entry of 231,400 refugees. In 1981 the President authorized an equally large number. After appropriate consultation, the President can also authorize the admission of an additional number of

- Of special humanitarian concern to the United States;
- Admitted in the Attorney General's exercise of discretion;
- Admitted pursuant to the Attorney General's regulations;
- Not firmly resettled in any foreign country; and
- Admissible to the United States as an immigrant, except that the refugee need not meet the labor certification, public charge, literacy, and foreign medical doctor requirements of the exclusionary grounds section 212(a) of the Act. (For humanitarian purposes and to assure family unity, all other grounds for exclusion may be waived except for aliens coming to subvert the United States government or suspected of subversion, former Nazis, and aliens convicted of trafficking in narcotic drugs.)

It is important to note that Congress purposefully left vague the definition of a refugee "of special humanitarian concern to the United States" so as not to constrain the government from making and executing foreign policy decisions.

FIRMLY RESETTLED

An alien is considered to be "firmly resettled": (1) if he/she was offered resident status, citizenship, or some other type of permanent resettlement by another nation; and (2) he/she travelled to and entered that nation as a consequence of his/her flight from persecution. This will be presumptive of firm resettlement unless the refugee establishes to the satisfaction of the United States government officer reviewing the case that the conditions of his/her residence in that nation were so substantially and consciously restricted by the authority of the country of asylum/refuge that he/she was not in fact resettled.

In making this determination, the officer shall consider such factors as conditions under which other residents of the country live, the type of housing (whether permanent) made available to the refugee, types and extent of employment available to the refugee, and whether the refugee received permission to hold property and to enjoy other rights and privileges (such as travel documentation, education, public relief, or naturalization) available to other residents in the country.

APPLICATION FOR ASYLUM IN THE UNITED STATES

Any alien physically present in the United States or at a land border or port of entry, who claims to be a refugee within the definition of the

If the asylum applicant is at a land border port, he will be required to wait in the adjoining country until such time as a decision is made on the asylum claim. Under normal circumstances, the applicant will not be paroled into the United States to await a decision.

Applications for asylum are made on Form I-589. The applicant's spouse and children may be included on the same application. Each application must be accompanied by a completed Form G-325A and FD-258 fingerprint chart for all individuals over 14 years old who are included in the application.

Any alien who makes an application for asylum, whether to a district director or to an immigration court, may apply for employment authorization. If the asylum application is non-frivolous, employment authorization may be approved for the period of time necessary to decide the case.

Once the application is filed with the district director, the applicant will be interviewed by an immigration officer. The officer will evaluate the reasons for seeking asylum and the credibility of the applicant. A personal appearance may be required for all aliens over 14 years of age who are included in the application.

The burden is on the asylum applicant to prove persecution or a well-founded fear of persecution. The applicant should furnish an explanation of each reason he/she offers in support of the I-589. Careful consideration will be given to these explanations and any documents or other evidence submitted in support of the asylum request.

When the interview is completed, the immigration officer will send the application with a written report of evaluation to the United States Department of State, Bureau of Human Rights and Humanitarian Affairs (BHRHA). After BHRHA has reviewed the application and evaluation, it will send its own recommendation back to the district director, who subsequently will render a decision.

If the asylum application is filed with the immigration court, the immigration judge usually receives the BHRHA advisory opinion before hearing the applicant's formal request for asylum.

If the district director denies the application for asylum, the application can be renewed before an immigration judge in deportation or exclusion proceedings. If the judge denies asylum, the applicant may apply for withholding of deportation under section 243(h) of the Act or the claim that his/her life or freedom would be threatened in his/her home country on account of race, religion, political opinion, etc.

In determining whether someone has been persecuted or has a well-founded fear of persecution, the immigration officer will evaluate the fear in the light of what has actually happened to the refugee or his/her family, friends or others of the same social group (race, religion, etc.).

The determination of asylum status cannot be made simply by going through a check-list of refugee attributes. Each case must be considered on its own merits. Unsupported statements will not be accepted as true if they are inconsistent with the general account put forth by the applicant or known conditions within the country of nationality or last habitual residence. The benefit of the doubt may be given when all available evidence has been obtained and checked to the extent possible and when the interviewing INS officer is satisfied about the applicant's general credibility.

According to the 1980 guidelines of the United States Department of State, the applicant need not establish that persecution had occurred in the past or that persecution would actually occur if the applicant returned to his/her home country. Rather, based on the information available, it is only necessary for the applicant to establish that a reasonable fear of persecution exists and is well-founded.

General conditions existing within a country do not provide a basis on their own for determining refugee status. There is no universally accepted definition of persecution. But serious human rights violations, such as denial of life, liberty, and the security of a person, or the infliction of torture or cruel, inhumane or degrading treatment or punishment, would be considered persecution to the extent that they pertain to individual or individuals by reason of race, religion, or the other enumerated factors.

Other conditions could also include violations of human rights, as denial of education, work, marriage, property or due process. These abuses carry the connotation of persecution only if directed to particular persons or groups of persons of which the applicant is a member because of race, religion, etc. The existence of human rights problems or abuses, including those which are more serious, does not imply that all nationals of such a country are subject to systematic policies or practices of persecution by that country's government.

An alien classified as a refugee abroad, who comes to the United States as a refugee-immigrant, is not yet a permanent resident. An alien granted asylum while physically present in the United States is accorded that status for a year. For procedures covering how refugee asylees are admitted for lawful permanent residence, see Chapter X, Adjustment of Status, page 61.

X. OTHER IMMIGRANTS

A. SPECIAL IMMIGRANTS

For purposes of applying for adjustment of status or an immigrant visa abroad, a special immigrant is a minister or priest who has been occupied in that calling for at least two years prior to coming to the United States. The applicant must be seeking immigrant status solely for the purpose of carrying on the vocation of minister or priest of a religious denomination. The applicant's services in such a capacity must be needed by a religious denomination having a bona fide organization in the United States.

Also qualifying under this status is an immigrant who was a citizen of the United States and is eligible to apply for reacquisition of citizenship or an immigrant who is an employee or an honorably retired former employee of the United States government abroad. The latter must have performed faithful service for at least fifteen (15) years and must be recommended by the principal officer of a Foreign Service establishment. These applications must be approved by the Secretary of State.

The Panama Canal Treaty of 1977 (Public Law 96-70) provides for the processing of an additional three classes, as follows, under the special immigrant category:

1. An immigrant who is or has been an employee of the Panama Canal Company or Canal Zone Government before September 7, 1977, who was a resident in the Canal Zone on September 7, 1977, and who has performed faithful service as such an employee for one year or more;
2. An immigrant who is a Panamanian national and who, before September 7, 1977, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or who on September 7, 1977, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment; and
3. An immigrant who was an employee of the Panama Canal Company or Canal Zone government on September 7, 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, as direct result of such treaty, is reasonably placed in danger because of the special nature of any of that employment.

Special immigrants and their accompanying spouses and children are exempt from the alien labor certification requirement and from the annual visa numerical limitation. Applications may be filed at an American consulate abroad or at a Service office in the United States.

to the United States. Applications under this provision must be made at an American consulate abroad.

C. SILVA CASES

Before the enactment of the worldwide visa numerical limitation system, the I&NA divided the world into the Western Hemisphere (Canada, Latin America, and Caribbean countries) and the Eastern Hemisphere (Europe, Asia, Africa and Australia). The rules governing Western Hemisphere aliens wishing to immigrate to the United States were quite different from those applying to Eastern Hemisphere cases.

Under the old law, before January 1, 1977, among Western Hemisphere aliens eligible to immigrate to the United States, were:

1. Parents of minor United States citizen children (i.e., Western Hemisphere parents who by virtue of having children born in the United States could apply for an immigration benefit through their United States citizen children. Hence, the term "baby cases" was coined.)
2. Parents of lawful permanent residents.

Although these two groups can no longer qualify for immigrant visas, members of the groups who registered their cases with an American consulate before January 1, 1977, preserved their eligibility under the former law. Benefiting from a legislative "savings" clause, these Western Hemisphere aliens were placed on a visa waiting list under nonpreference.

Presently in the United States, there are large numbers of Western Hemisphere aliens who fall under the two groups mentioned above. These cases are commonly referred to as "Silva vs. Levi" cases. The Silva case refers to a 1977 court decision holding that the State Department and Immigration Service erred in charging 144,999 Cuban refugees, who later became permanent residents, to the old Western Hemisphere quota.

The court ruled that the Cuban numbers had to be recaptured and issued to principal alien immigrant visa applicants born in independent countries of the Western Hemisphere who had registered with American consulates before January 1, 1977, and their accompanying spouses and children. As of this writing, the State Department is in the process of completing the reissuance of the recaptured numbers, based on a complicated formula linked to historical patterns of immigration from Western Hemisphere countries of the United States.

1. The alien must have registered with an American consulate prior to January 1, 1977, either as a parent, spouse or child of a United States citizen or lawful permanent resident or as an alien with a labor certification who was coming to the United States to work.
2. The alien must have been continuously present in the United States since an entry which must have occurred prior to March 11, 1977. (Aliens qualifying for Silva cases who make meaningful departures from the United States lose their status and thus cannot benefit from this program.)

Alien beneficiaries who meet the requirements stated above, but who have not as yet come forward to state their claim should request a Silva-Levi letter from the Immigration Service. This letter will allow these aliens to:

1. Remain indefinitely in the United States until a final decision is made by the courts in this matter.
2. Receive official employment authorization or permission to work from the INS.

It is important to note that Silva case aliens, if otherwise eligible, can adjust their status to that of permanent residents without regard to unauthorized employment. The blanket permission to work was granted in the 1977 court decision.

(Note: As the Guide was being prepared for printing, the Department of State had allocated all the Silva numbers as the program terminated on November 9, 1981. Most Western Hemisphere countries were current at the end of the program. However, some applicants from the Bahamas, El Salvador, Mexico and Surinam, who had registered with an American consulate before January 1, 1977, did not receive appointments for immigrant visas because the numbers from those countries had been exhausted.)



Recognition is valid as long as the established relationship exists between the petitioner and beneficiary(ies), as expressed in the I-130.

Upon approval of the I-130, the petitioner receives from the Service a Notice of Approval, Form I-171. This approval notice has at least two dates, the date the I-130 petition was filed and the date the Service approved the petition. Normally, the date an approved petition was filed becomes the alien beneficiary's registration or priority date. The priority date determines when the alien will be considered for visa issuance among other beneficiaries in the same preference category and from the same country of birth.

In occupational preference cases, upon the approval of the I-140, the petitioner also receives a formal Notice of Approval, and the beneficiary is similarly given a priority date. In this case, the priority date is the date of the filing for a labor certification with the appropriate State Employment Service office.

Approval of Forms I-130 or I-140 enables the alien beneficiaries to continue pursuing lawful permanent resident status, either by applying for adjustment of status in the United States, if the beneficiaries are eligible, or by applying for an immigrant visa abroad at an American consulate.

Approval of Forms I-130 or I-140 does not insure that the alien beneficiaries will be permitted by the Service to remain in the United States, or that the beneficiaries will ultimately be granted permanent resident status. Service approval of visa petitions merely allows alien beneficiaries to take the next step in seeking an immigrant visa to the United States.

In a nonpreference case, the priority date is the date of acceptance of an application for an immigrant visa abroad or of an application for adjustment of status in the United States. There is one exception to this. In a nonpreference case involving a job offer labor certification, the priority date is the date of the filing for a labor certification with the State Employment Service office.

PRIORITY DATES RELATED TO VISA AVAILABILITY

As previously stated, the Immigration and Nationality Act, as amended, provides for a worldwide annual immigrant visa limitation of 270,000, divided into particular percentages among the six preference designations.

No more than 20,000 immigrant visas may be charged annually against a

Outreach participants must look to that agency for information on visa availability.

The Department of State, Bureau of Consular Affairs, Visa Office, publishes a monthly bulletin, called the Visa Bulletin (see copy included in this chapter), which serves as a tracking sheet. The Bulletin shows the availability of immigrant visas for each of the preference and nonpreference categories for the coming month.

Each month's Visa Bulletin contains general instructions -- such as the definitions and numerical limitations of each preference category, and an explanation of symbols used -- and special instructions relating to any particular situation arising that month.

Page two of the Bulletin is the important monthly guide to which caseworkers must refer in advising their clients on the availability of visa numbers for a specific preference. Page two lists the monthly availability of visa numbers in each preference category. Each of the preference categories (preference one through six and nonpreference) are listed in vertical columns. In the first column, the Visa Bulletin lists foreign states or dependencies with different immigrant visa limitations in one or more preference categories.

Looking at the Visa Bulletin for November 1981, for example, we see that for all foreign states and dependencies, except those listed individually, the first, second, third and fourth preferences are current ("C"), with fifth and sixth preferences being in arrears or backlogged respectively to January 8, 1980, and March 3, 1980.

What this means is that alien beneficiaries with fifth preference petitions filed on or before January 8, 1980, -- and who consequently have a priority date on or before that date -- are being considered first in November 1981 for fifth preference visas.

The same rule applies to sixth preference applicants, with March 1, 1980, being the controlling priority date.

Sixth preference visa applicants who filed labor certifications on or before March 1, 1980, are being considered first for sixth preference in November 1981, if the labor certifications have been approved. This refers to those applicants whose priority dates are on or before March 1, 1980, -- the dates the labor certification applications were stamped for processing by the local State Employment Service having jurisdiction over the place of employment.

Nonpreference in this group of foreign states and dependencies is unavailable ("U"), meaning no visa numbers are available.

For caseworkers, there are three important uses of the Visa Bulletin:

- A. The Visa Bulletin lists whether immigrant visas are immediately available in the preference category concerning the alien applicant; the availability of a visa is a crucial factor in applying for adjustment of status.
- B. If an alien applicant has applied previously for consideration in a preference category, but has received no reply from the American consulate for quite some time, the Bulletin will indicate whether there is a backlog or waiting period in that preference category and, by the date listed, whether the alien's priority date should have become current.
- C. If the alien applicant is eligible for consideration in more than one preference category, the Bulletin, by indicating the availability of different preferences for the alien's native country, may help determine which preference should be sought. For example, an alien qualifying for a third preference visa petition would also qualify for a sixth preference visa petition. By the same token, an alien who qualifies for second preference by being married to a lawful permanent resident may be related to a United States citizen parent, thus also qualifying for fourth preference status.

Two other concepts a caseworker must understand are:

- A. Alternate Chargeability -- An exception to the general rule of foreign state chargeability has been provided by the I&NA in order to prevent separation of families. This exception allows accompanying spouses and/or children to apply for immigrant visas from either their country of birth or the country of birth of the principal alien, provided entry is within four months after the principal alien has been admitted to the United States. For example, in order to prevent family separation, an accompanying child may be charged to the foreign state of either parent, if that parent received, or is eligible to receive, an immigrant visa. In addition, an alien born in a foreign state different from that of the accompanying spouse, may be charged to either the alien's foreign state or that of the accompanying spouse. Alternate chargeability or cross-chargeability should be explored with an experienced volag practitioner, especially in cases where one family member is from a country with a backlog in visa availability, while another family member is from a country which is current. Thus, the alternate method allows for a favorable foreign state chargeability and consequently prevents family separation.
- B. Alternate Priority Date -- As stated in the overview, an applicant's priority date determines the order of consideration for issuance of an immigrant visa. There are two major exceptions to this rule:

applicant who is the spouse or child of a visa petition beneficiary prior to the beneficiary's receipt of an immigrant visa, who is not immediately eligible to receive an immigrant visa in his or her own right, will be deemed to have the same preference category and the same priority date as the petition beneficiary, if he/she is to accompany within four months, or follow to join at any time in the future, his or her spouse or parent. To qualify for this provision, a child must continue to be a minor and unmarried.

- b. Under the savings clause, section 9, of the I&NA Amendments of 1976 (P.L. 94-571), any alien entitled to a priority date earlier than January 1, 1977, who was still entitled to that priority date on December 31, 1976, may establish that priority date within a preference category. For example, before 1977, a lawful permanent resident of the Western Hemisphere could not "petition" for his wife, but she could establish a priority date if he filed proof of his lawful permanent residence and the marital relationship. After 1977, the permanent resident could petition for his wife in second preference, and she would be accorded her earlier-established priority date but now in second preference.

2. By Operation of Regulation

The United States Department of State has long recognized family unity as a basic principle of the I&NA. The State Department has declared (22 CFR 42.62(d)) that a spouse or child of an immigrant visa applicant is entitled to receive the principal visa applicant's own priority date, if accompanying within four months or following to join at any future time. The one requirement is that the marriage establishing the relationship must occur before the principal immigrant visa applicant's initial admission into the United States for lawful permanent residence. Thus, for example, although a father immigrated based on a 1969 priority date and that man's child was born abroad in 1974, the child acquires the parent's 1969 priority date as long as the child was born of a marriage that occurred prior to the father's initial admission into the United States for lawful permanent residence.

Copies of the Visa Bulletin are available monthly and can be obtained by writing to the Visa Office, U. S. Department of State, Washington, D. C., 20052. For updated availability information, call the agency's recorded message: 202/632-2919.

Number 2 Volume VI

IMMIGRANT NUMBERS FOR NOVEMBER 1981

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during Nov. Consular officers are required to report to the Department of State all qualified applicants for numerically limited visas; and the Immigration and Naturalization Service reports the demand of all qualified applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by Oct. 8 in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the class or foreign state or dependent area, in which demand was excessive, was deemed to be oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the statutory or regulatory limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary, during the monthly allocation process, to recede a cut-off date, supplemental requests for visa numbers will be honored only if the priority date falls within the new cut-off date.

2. Issuances of visas are governed by provisions of Section 203 (a) of the Immigration and Nationality Act, as amended, which prescribes preference classes as follows:

First preference (unmarried sons and daughters of U.S. citizens): 20% of the over-all limitation of 270,000 in any fiscal year;

Second preference (spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence): 26% of over-all limitation; plus any numbers not required for first preference;

Third preference (members of the professions or persons of exceptional ability in the sciences and arts): 10% of over-all limitation;

Fourth preference (married sons and daughters of U.S. citizens): 10% of over-all limitation plus any numbers not required by the first three preference categories;

Fifth preference (brothers and sisters of U.S. citizens 21 years of age or over): 24% of over-all limitation, plus any numbers not required by the first four preference categories;

Sixth preference (skilled and unskilled workers in short supply): 10% of over-all limitation;

Nonpreference (other immigrants); numbers not used by the six preference categories.

preference classification. Therefore, if visas are not available for them within their preference classes, and if nonpreference visas are available for their foreign state or dependent areas, these aliens may apply for nonpreference visas.

4. Section 203(b) of the Immigration and Nationality Act provides that visas be given to applicants in order of preference classes. However, Section 202(e) of the Act provides that, whenever the maximum number of visas have been made available to natives of a foreign state or dependent area in any fiscal year, in the next following fiscal year visas will be made available by applying the preference limitations to the foreign state (20,000) or dependent area (600) limitations. Foreign states and dependent areas listed below benefit under the provisions of Section 202(e) of the Act.

5. On the chart below the listing of a date under any class indicates that the class is oversubscribed (See paragraph 1): "C" means current, i.e., that numbers were available for all qualified applicants; and "U" means unavailable, i.e., that no numbers were available.

<u>FOREIGN STATE</u>	<u>PREFERENCE</u>						<u>NONPREF- ERENCE</u>
	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>	
ALL FOREIGN STATES AND DEPENDENT AREAS EXCEPT THOSE LISTED BELOW	C	C	C	C	01-08-80	03-01-80	U
CHINA	C	05-22-81	08-01-80	04-15-79	06-08-77	10-15-79	U
INDIA	C	C	C	C	10-01-79	U	U
JAMAICA	C	04-15-81	C	C	11-08-79	10-01-79	U
KOREA	C	C	C	C	10-01-78	U	U
MEXICO	C	01-01-72	C	06-01-78	10-08-77	03-01-80	U
PHILIPPINES	C	01-22-79	01-22-70	01-15-75	04-08-70	05-22-78	U
HONG KONG	C	10-27-76	09-14-70	04-22-77	09-01-71	05-22-78	U
ST. CHRISTOPHER-NEVIS	C	05-27-80	C	C	12-07-76	06-29-67	U

NOTE: The Department of State has instituted a recorded message with visa availability information which can be heard at: (area code 202) 632-2919. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

CA/VO-Oct. 15, 1981

Under certain conditions, an alien in the United States may apply for a change of status to that of lawful permanent resident without having to depart to apply for an immigrant visa at an American consulate abroad.

In order for an alien to apply for adjustment of status, the following four conditions must be met:

- A. The alien must have been inspected and admitted or paroled into the United States on his/her last entry by an immigration officer at a United States port of entry. In other words, the alien must have been inspected by an immigration officer at entry and either admitted in some nonimmigrant classification or paroled into the United States.
- B. The alien must be either:
 - 1. An immediate relative;
 - 2. The beneficiary of an approved I-130 relative visa petition or an approved I-140 petition; or
 - 3. A nonpreference applicant.
- C. To file for adjustment of status, a visa number must be immediately available to an alien who needs a visa number, generally from his or her country of birth. In order to determine if a visa number is available to an alien, consult the current monthly Visa Bulletin. Remember, immediate relatives do not need visa numbers because they are not subject to the numerical limitation.
- D. The alien must not have accepted or continued in unauthorized employment in the United States after January 1, 1977. This prohibition, however, is waived for immediate relatives of United States citizens.

The following groups of aliens are statutorily prohibited from applying for adjustment of status:

- A. Aliens who entered the United States as crew members in any capacity on board a ship or aircraft.
- B. Aliens who entered the United States in transit without visa status.
- C. Certain nonimmigrant groups of "J" exchange visitors who are obligated by law to return to their home countries for at least two years before applying for immigrant visas to the United States.

application must be submitted for each family member seeking adjustment. This includes those who are accompanying or following to join the principal alien. As with all other applications and petitions, appropriate documentation must accompany the adjustment form.

Applications must be submitted to the INS office having jurisdiction over the alien's residence. For an alien under deportation proceedings, the application must be made directly to an immigration judge.

Each applicant must submit to a medical examination by a facility specified by the Immigration Service. The examination consists of a general check-up to determine any physical defects that might render the alien excludable, an x-ray for tuberculosis, and blood tests for venereal disease. Please note that the examination must be made only at the specified medical facilities. Aliens who submit medical results prepared by doctors or medical facilities not listed by the INS will discover that these results will be rejected.

In some INS offices, when the Service provides adjustment applicants with the medical examination report forms, they will also receive a notification of the date, place and time of the INS interview for adjustment of status. In most INS offices, however, the applicant will be interviewed the same day he/she submits the application for adjustment of status. (See section on One-Step Processing, page 67.) The results of the completed medical examination, along with the other required documentation, must be brought to the INS office at the time of the interview.

DOCUMENTATION REQUIRED FOR ADJUSTMENT

- A. Submission of an I-130 petition with appropriate documentation proving family relationship or an approval notice of an I-130 petition, submission of an I-140 petition with appropriate documentation, or an approval notice of an I-140 petition, or other evidence of eligibility as an immigrant as previously discussed.
- B. Birth certificate of alien applicant.

FORMS USED

- A. Form I-485 for each applicant. Remember, the alien applicant always completes the I-485, as contrasted with the I-130 which is filled out by the United States citizen or lawful permanent resident petitioning for an alien.
- B. G-325A Biographic Information Form for each applicant over 14 years of age.

- C. FD-258 Fingerprint Chart for each applicant over 14 years of age.
- D. Two color photos of each applicant. The pose must be a 3/4 frontal portrait with right ear exposed. In each photo, the dimension of the facial image should be about one (1) inch from the chin to the top of the hair.
- E. Filing fee — \$30.00 for each applicant.

An Alien Applicant Must Bring:

- A. Passport and Form I-94.
- B. Results of completed medical examination and x-ray.
- C. Affidavit of Support, Form I-134, with supporting documentation, attesting to the applicant's ability to be maintained in the United States without the possibility of becoming a public charge or job letter stating salary.
- D. For an alien child or spouse accompanying or following to join an alien already qualified for visa issuance, birth certificates, marriage license, etc., must be submitted to establish the appropriate family relationship.

EMPLOYMENT AUTHORIZATION

Aliens eligible for adjustment of status who desire to work pending the processing of their applications must request permission from an INS officer or designated employee at the time of filing the I-485. If the request is approved, the alien's I-94 will be dated and stamped "Employment Authorized." It should be stressed, however, that permission to work from INS should never be presumed. Aliens otherwise qualified for adjustment might render themselves ineligible if they take up employment despite the fact that they have officially requested it. Applicants should be cautioned that not only must the employment authorization request be made, but it must also be acted on favorably by the Service and authorization duly stamped on the I-94.

GROUND FOR EXCLUSION

According to the Immigration and Nationality Act, there are thirty-three (33) grounds for excluding a potential immigrant from admission to the United States as a lawful permanent resident.

The grounds include histories of physical or mental disorders; certain kinds of criminal records, fraud, and the commission of crimes involving "moral turpitude;" membership in the Communist Party or other subversive organizations; a previous deportation; the likelihood of

WAIVERS AND PERMISSION TO REAPPLY

In some cases, applicants falling under an excludable class may obtain waivers to overcome the bar to immigration.

For example, an alien eligible for an immigrant visa but categorized as excludable because of a mental disorder, physical affliction, or criminal or moral violation, may apply to an INS district director for a waiver of the exclusion ground. The request is made on Form I-601, "Application for Waiver of Grounds of Excludability."

In order to qualify for a waiver, the alien must be closely related to a United States citizen or lawful permanent resident alien.

The granting of an I-601 waiver is discretionary, based on the circumstances and merits involved in each case. It is worth mentioning, however, that waiver relief is not available for aliens found excludable for being convicted of a narcotics law violation or engaging in the illicit traffic of narcotics (section 212(a)(23)) or for smuggling or assisting for gain aliens to enter the United States in violation of the law, section (212(a)(31)).

Relief may also be available for aliens who have been previously deported.

The law states that any alien who has ever been deported, who has within the past year been ordered excluded, or who in lieu of deportation has been removed at government expense must obtain "Permission to Reapply" before being eligible for an immigrant visa or adjustment of status.

This procedure is initiated by the alien submitting Form I-212 in duplicate to an INS district director. The instructions on the application should be followed closely. All correspondence relating to the alien's deportation, exclusion or removal should accompany the form. Documentary proof of the alien's continuing close relationship to either a United States citizen or lawful permanent resident must also be included, along with evidence showing extreme hardship resulting to the family members in the United States if the I-212 is denied.

Many aliens who have been returned to their home countries under safeguards after having been arrested by an immigration officer may believe that they have been deported. In reality, however, they have not. Therefore, before submitting an application on Form I-212, volag counsellors should carefully question all client-alien to determine if they were formally deported by an immigration judge.

- A. Entry to the United States as a refugee; or
- B. Asylum in the United States as a refugee.

Any person who meets the law's definition as a refugee will have one set of procedures if determined to be a refugee while outside the United States, and another set of procedures if determined to be an asylee while inside the United States.

The Refugee Act of 1980 establishes procedures which are prospective, however, and retains earlier procedures for adjustment of status to that of a lawful permanent resident for all refugees who entered the United States before April 1, 1980, under earlier legislation. The one common denominator established for all refugees is the need for one year of physical presence in the United States before applying to receive lawful permanent resident status. This year is counted from the day of entry to the United States as a refugee, or from the day of approval of asylum in the United States as a refugee.

The particular procedure to be followed for adjustment of status for a refugee will be decided according to the following categories:

- A. Post April 1, 1980, entry as a refugee from any country;
- B. Approval of asylum in the United States, regardless of manner of entry, applying on or after April 1, 1980, from any country;
- C. Native or citizen of Vietnam, Laos or Cambodia who:
 - 1. Was inspected and admitted or paroled into the United States on or before March 31, 1975, and was physically present in the United States on that date; or
 - 2. Was paroled into the United States as a refugee between April 1, 1975, and December 31, 1978, inclusive;
- D. Pre-April 1, 1980, admission as conditional entrant from a communist or communist-dominated country or a Middle East country;
- E. Pre-April 1, 1980, parole as a refugee into the United States, native of any country except Cuba (and except any paroled refugee specified in C(2) above);
- F. Any native or citizen of Cuba, admitted or paroled into the United States, who:

Notwithstanding the above, the distinctive categories of refugees share many, if not most, procedures in the adjustment process. The common procedures will be discussed, and then the distinctive characteristics will be presented.

COMMON PROCEDURES

A. Time of Application

All refugees must make formal application for admission to lawful permanent resident status. Technically, the INS should contact the refugee one year after the refugee's entry to the United States in that status, or one year after the refugee's approval of asylum within the United States. Due to local workloads or refugee's change of address, however, it is advisable to check with the local INS office to determine whether the refugee, either through a counselling or resettlement agency or individually, should take the initial step and complete and file his or her application. Also, if the refugee has received a "Refugee Travel Document" and made trips outside the United States, only the refugee will know, when, in the aggregate, he or she has been physically present in the United States for the full year. There is no fee for the permanent resident status application.

B. Initial Determination of Eligibility

When applying for admission to lawful permanent resident status, each refugee must be interviewed by an INS officer (the interview may be waived if the refugee is under 14 and the parent or parents are interviewed). The INS officer will seek to determine that the refugee:

1. Was entitled to the initial classification as a refugee;
2. Did not become firmly resettled in another country during the interviewing year; and
3. Is otherwise admissible to the United States, (Many grounds of exclusion are exempted for refugees, and other grounds may be waived. See below.)

If the refugee did not have a medical examination prior to the initial entry to the United States, or was not medically cleared before the initial entry, a medical examination by an INS approved doctor must be performed. If the refugee was granted asylum in the United States, the INS officer must determine that there have been no changes of circumstances in the country of the refugee's nationality or last habitual residence which may eliminate the need for asylum.

(14) Labo certification.

(15) Public charge.

(20) and (21) Documentary requirements.

(25) Literacy requirements.

(32) Foreign medical graduate requirements.

In addition, for humanitarian reasons, to assure family unity, or for reasons in the public interest, the Service may waive the need to meet all other paragraphs of section 212(a) except:

(27) and (29) Subversive,

(33) Former Nazi or Nazi collaborator,

(23) Trafficking in narcotics.

D. Spouses and Minor, Unmarried Children of Refugees and Asylees

In most cases the spouse and minor unmarried children of a refugee not entitled to a refugee classification in his/her own right is normally entitled to entry to the United States if accompanying or following to join the refugee. The relationship must take place prior to the refugee's classification and entry. This rule applies also to the spouse and unmarried children of asylees.

PARTICULAR PROCEDURES

A. Post April 1, 1980, Entry as Refugee (section 207(a) or (b) or(c) of I&NA, as Amended)

The applicant will be required to complete and submit the following documentation to the INS office having jurisdiction over his or her place of residence:

1. Form I-94;
2. Form G-325A (if over 14 years of age), and Form I-643, "Health and Human Services Statistical Data;"
3. Fingerprint Chart (if over 14 years of age);

The refugee will be interviewed by an INS officer. When permanent residence is granted at the interview, the date of permanent residence will be recorded as of the date of the refugee's initial entry into the United States.

B. Granted Asylum in the United States (Section 208 of Act, as Amended)

The first item to be noted is that the asylee must be physically present in the United States for one year after approval of his/her application for asylum. Time spent waiting after filing the application for asylum, but prior to approval, does not count.

One year after the date of approval, the asylee will normally be required to obtain an INS approved medical examination. He/she will then complete and file the following:

1. Evidence (letter of immigration court and/or Form I-94) which indicates grant of asylum.
2. Form I-485.
3. Form G-325A (if over 14 years of age) and Form I-643.
4. Fingerprint Chart (if over 14 years of age).
5. Two color photographs for the new Alien Registration (ADIT) Card.
6. If the applicant's name has changed since approval of asylum, the document (marriage certificate, divorce decree, court order, etc.) indicating the change; bring the certified document and a photocopy for the INS' records.

After the asylee successfully completes his/her interview with the INS officer, the Service will seek to obtain one of the limited visa numbers available within the asylee allocation. When the number is obtained, the asylee will be granted permanent residence, with the date of permanent residence recorded as one year before the date of approval of the adjustment application.

C. Vietnamese, Laotians or Cambodians

For detailed information concerning adjustment of status to permanent residence for this category of refugee, please consult the "Indochinese Refugee Program Processing Guide," (M-220), published by the Service, in 1977. Copies of the Guide are still available in a limited supply through the INS Outreach Program office.

but there are some who have not yet completed their adjustment applications. They are required to complete and file the following documentation:

1. I-485C (Indochinese Adjustment Form) for each applicant.
2. Fingerprints for each applicant over 14 years of age.
3. G-325A for each applicant over 14 years of age.
4. Police clearance for each place of residence of six months or longer, for each applicant over 14 years of age.
5. Affidavit to Correct Information on Form I-94, if applicable.
6. Medical examination, if not examined for immigration purposes and there is no indication of same in Service records.
7. Two color photos, 3/4 profile, with the right ear exposed, for each applicant. In each photo, the dimension of the facial image should be about one inch from the chin to the top of the hair.
8. Form I-94 arrival document.

As stated earlier, eligible applicants must apply for these benefits before October 28, 1983, when the law expires.

After the interview and approval of the application, the refugee will be granted a record of lawful admission for permanent residence as of the date of parole into the United States as a refugee or as of March 31, 1975, whichever date is later.

Additional note must be taken of roll back provisions for this category of Indochinese refugees. If, prior to passage of Public Law 95-145 in 1978, one of these refugees adjusted status under any other provision of law, he/she may apply to "roll back" the recorded date of admission for lawful permanent residence to the original date of parole or March 31, 1975, whichever is the later date. The documentation for this application is the same as listed above, except that no I-94 or medical examination is required. Also, no photos are required if the roll back is being sought to become eligible for naturalization.

D. "Other" Refugees Paroled Into The United States Prior to April 1, 1980, (Public Law 95-412) or Admitted as "Conditional Entrants" (Section 203(a)(7) of the Act)

Prior to the passage of the Refugee Act of 1980, PL 95-412 applicants and "conditional entrants" were not exempted from some of the exclusionary provisions as are refugees under the Act of 1980. They are now eligible to "reapply" or be reconsidered and be exempted (or waived) from the exclusionary grounds as are refugees.

3. Form G-325A for each applicant over 14 years of age, and I-643.
4. Fingerprints for each applicant over 14 years of age.
5. Two color photos, 3/4 profile, with the right ear exposed, for each applicant. In each photo, the dimension of the facial image should be about one inch from the chin to the top of the hair.

Upon successful completion of the interview, the date of lawful admission for permanent residence will be recorded as of the initial date of parole or admission as a conditional entrant. The major difference between these two categories relates to the "port of entry" recorded on the refugee's Alien Card. The port of entry for a PL 95-412 refugee is recorded as the place status as a permanent resident is granted. The port of entry for the conditional entrant refugee is recorded as the place of initial entry as a conditional entrant.

E. Native and Citizen of Cuba (PL 89-732)

Cuban nationals in the United States are eligible for adjustment under a special congressional act passed in 1966. The requirements for adjustment of status of Cubans who are refugees are basically the same as those for other refugees.

In Cuban cases, many documentary requirements necessary for adjustment are waived, but in order to apply for adjustment, a Cuban applicant must have been inspected, admitted or paroled into the United States.

Caseworkers may encounter Cubans who entered the United States without inspection. Although these individuals have not been deported on humanitarian grounds, they are not eligible to adjust their status in the United States under this law. Cubans in this category must be classified as refugees in order to adjust. However, should a Cuban in this category be eligible for a visa petition either as an immediate relative, or under one of the preferences, he or she could be processed by an American consulate in Canada for an immigrant visa.

Spouses and children of Cuban refugees, although themselves not natives or citizens of Cuba, may also adjust their status in the United States under the Act of 1966 provided they were either inspected and admitted or paroled into the United States.

1. Form I-94.
2. Passport, if available.
3. Proof that the principal applicant was a native or citizen of Cuba, if available.
4. Form I-485A (Cuban Adjustment Form).
5. Form G-325A.
6. Fingerprint Chart.
7. Two color photographs, 3/4 profile, right ear exposed, for each applicant. In each photo, the dimension of the facial image should be about one inch from the chin to the top of the hair.

ONE-STEP PROCESSING

The one-step procedure is designed for aliens who are prima facie eligible for immigration benefits, based on a routine INS check of the forms and supporting documents submitted at the time of filing. While one-step processing does not relieve applicants of the responsibility of turning in the same documents required for an I-130 or I-140 and I-485 filed separately, as well as the accompanying forms (G-325A, Fingerprint Chart, etc.) the procedure helps reduce the adjudication time it takes for aliens to become lawful permanent residents. The required interview is conducted on the same day the adjustment of status application is filed. The applicant must secure a medical examination from an approved physician before he or she can file a one-step application.

For immediate relatives or aliens eligible for family preferences who are not beneficiaries of approved relative petitions, one-step processing involves the completion of the I-130 and I-485 forms. (Note: Previous combined forms I-130E/I-485H are still available and may be used until supplies are exhausted.) For volag counsellors assisting lawful permanent residents in filling out these forms, it would be most helpful if the following information were added either to the forms or on a separate sheet:

1. On question number 10 of the form I-130E, if citizenship was acquired through naturalization, include the name under which the petitioner was naturalized, the number of the naturalization certificate and date and place of naturalization.
2. If the petitioner is a lawful permanent resident, indicate his or her alien registration number, and the date, place and means of admission for permanent residence.

Please note, however, that once an alien has filed an adjustment application, the alien must submit to INS his or her Form I-94, with proof of having filed for adjustment in order to obtain employment authorization.

A. FIANCES AND FIANCEES

An unmarried citizen of the United States may file a petition to classify status as an alien fiance or fiancée for issuance of a nonimmigrant (K-1) visa.

The alien, once he or she has entered the United States and has concluded a valid marriage with the petitioner, may immediately file an application for adjustment of status to that of a lawful permanent resident.

The fiance(e) petition cannot be filed if the beneficiary is in the United States but may be filed by the petitioner whether in the United States or abroad. Once the petition has been approved and the alien has been granted a nonimmigrant visa, the alien may be admitted for ninety (90) days in order to complete the marriage. Both the petitioner and the beneficiary must be unmarried and of legal age to marry. The marriage must take place within the ninety-day period in order for the beneficiary to be eligible for adjustment of status to that of a permanent resident. However, if the marriage is not completed within the allotted time, but is concluded later, the petitioner may petition for the beneficiary on Form I-130 as the spouse of a United States citizen. Upon the marriage within 90 days of entry, the beneficiary should apply for adjustment of status to that of a lawful permanent resident on Form I-485.

Although no longer required by regulation, in most cases, the petitioner should have actually met the beneficiary in person. If they have not met and cannot provide proof of a period of friendship and social contact (letters, etc.), the petition will probably be denied.

Documentation Normally Required:

- Proof that the petitioner is a United States citizen.
- Proof of legal termination of any previous marriages of either the petitioner or the beneficiary.

Form Used -- I-129F

B. CREATION OF RECORD OF LAWFUL ADMISSION

Section 249 of the Immigration and Nationality Act provides that aliens who have been living continuously in the United States since prior to June 30, 1948, may have a record of lawful admission for permanent residence created in their behalf.

Aliens eligible under this provision are exempt from the numerical limitation and are not required to have an approved visa petition, but

An alien establishing that he or she has maintained a residence in the United States since before July 1, 1924, may have a record created as of the date of entry, allowing the alien to qualify immediately to apply for United States citizenship. An alien who establishes that he or she entered after July 1, 1924, but before June 30, 1948, may have a record created as of the date of approval of the application. The alien must then meet the residence period requirement before becoming eligible to apply for naturalization.

Suggestions for Documentation

An alien applying for creation of a record of lawful admission should submit at least one document from each year he or she has been in the United States. One document might account for several years, but there should not be any years that are not covered. An employment letter might relate to the entire period. In those situations, however, supporting documentation would probably be required, including Social Security records or company tax reports. It is suggested that the evidence be arranged in chronological order and the years be listed to insure that all years are covered by documentation. Listed below are explanations of documentation that might be of assistance in supporting a claim.

1. Employment records. Letters from each company employing the alien in the United States, executed by an officer of the company, giving his or her official title. The letter should be written on the company letterhead, and show the alien's place of residence, exact periods of employment, periods of layoff, and duties with the company. Such a letter should indicate whether the information is taken from official company records. If an alien has been in business for himself or herself, include letters from banks, business licenses, rent receipts, invoices, and correspondence from firms doing business with the alien.
2. Gas, electric, telephone and other utility bills. Receipts or letters from utility companies showing the dates during which services were rendered.
3. School records. Letters from the schools attended by the alien or his or her children are acceptable. Letters from schools or similar institutions should show the name of the school, name and address of the alien, and periods of attendance.

showing inclusive periods of membership or attendance and the address at which the alien resided. The seal of any organization should be impressed on the letter.

5. Marriage record. The alien's marriage certificate or certificates or any other legal documents such as birth certificates of children born in the United States, divorce decrees, or death certificates of family members.
6. Alien Registration Card. Most aliens present in the United States during 1940 to 1942 were fingerprinted and registered. They were given an Alien Registration Receipt Card at that time and many of them still have the card in their possession.
7. Miscellaneous. Money order receipts, passports, bank books, correspondence between the alien and another individual or organization addressed to the alien in the United States, any official documents issued by any government organizations, census reports, Social Security card, Selective Service card, automobile licenses, automobile titles, sale and purchase receipts, deeds, mortgages, contracts to which the alien was a party, tax receipts, W-2 forms, insurance policies, receipts, insurance records or letters, or any other document showing that the alien was in the United States at a specific time.
8. Affidavits. An applicant may submit an affidavit from individuals who have known him or her over an extended period of time and can testify that they know the alien was residing in the United States during that time. Affidavits may be prepared on Form I-488 and must be notarized. If possible, the person making the affidavit should go before an immigration officer to make or verify the statement.

A nonimmigrant is an alien who seeks entry to the United States for a specific purpose to be accomplished during a temporary stay. He/she must have a permanent residence abroad and qualify for the nonimmigrant classification sought.

Application for a nonimmigrant visa is made at an American consulate abroad. Upon arrival in the United States, the nonimmigrant alien must be inspected by an immigration inspector at a port of entry. If admitted, the nonimmigrant is granted a specific time period to remain in the United States in order to carry out the purpose of the stay. Nonimmigrants must maintain the status in which they were admitted and must depart within the period of time granted by the Service.

If a nonimmigrant, after entry, desires to participate in an activity not permitted under his or her classification, he/she may request that the present status be changed to another classification. However, nonimmigrants seeking this action must qualify for the new classification and apply for the change before expiration of their authorized stay. Aliens in most classifications may also obtain extensions beyond the time they are authorized to remain in the United States.

The most common classification change likely to be encountered is a request for a change from B-2, visitor for pleasure, to F-1, student.

A table of nonimmigrant classifications is contained in the Appendix on page 199. Discussed below are the most common nonimmigrant classifications.

CLASSIFICATIONS OF NONIMMIGRANTS

B-2, Visitor for Pleasure

A visitor for pleasure is an alien admitted to visit friends or relatives or to take a vacation or tour.

When applying for a B-2 visa, the applicant must prove to the consul that he or she has a residence and ties in the home country (job obligations, family, etc.) that he or she has no intention of abandoning. It is advisable that aliens bring evidence of these ties, such as an approved vacation letter from their employer, bank statements, etc., to interviews with the consul or attach this type of documentation to their applications. The alien must also demonstrate to the consul that he or she has sufficient funds to visit the United States.

The applicant must be specific about the reasons for going to the United States, even listing the names of places, persons and organizations to be visited. A letter of invitation from a family member or other appropriate party in the United States would also be helpful. A return-trip ticket to the home country is normally required

by the consul. The documentation required may vary, and the consul will consider several factors in making a decision on issuing the visa. Remember, the consul's decision on granting the visa is discretionary and not subject to appeal.

The fact that the alien has been granted the nonimmigrant visa does not mean that he or she is free to enter the United States. Once the visa has been issued and stamped by the consul in the alien's passport, the intending B-2 visitor must present it to an immigration inspector at a United States port of entry.

The applicant may again be questioned at the port of entry about his or her intent to come to the United States. It is the inspector who makes the decision whether to admit the alien. If the alien's responses during the primary inspection at the port of entry are consistent with the information given previously to the consul, the nonimmigrant will usually be admitted. If discrepancies arise, however, during the primary inspection, e.g., the intending visitor planning a month's stay in the United States arrives with only \$20.00, the alien may be refused admission or the inspection may be deferred, pending a further and more intensive review of the case.

It is important to distinguish between the length of stay granted by the inspector on the nonimmigrant's Form I-94 and the dates listed on the visa stamp in the alien's passport indicating when the alien may seek entry to the United States.

The visa stamp affixed by the consul shows how many times (one, two, multiple) between certain specific dates that the alien may seek to enter the United States. Many aliens make a grave error by assuming they may remain in this country for the duration of time stated on the visa stamp. If an alien has a multiple entry visa, he or she will receive a new I-94 for each entry into the United States, with the dates of entry and expected departure -- the length of stay -- stamped and written on the form by an immigration inspector at the port of entry.

A visitor for pleasure may be admitted for up to one year. Extensions may be granted to B-2s, provided they can demonstrate compelling reasons why additional time is necessary to complete the purpose of their trip. An extension application may be made on Form I-539, filed together with the I-94 and a \$5.00 fee. The package must be submitted to the INS at least 15, but not more than 60 days before the expiration date indicated on the I-94.

Since extensions are not automatically approved, it is imperative that a prospective alien visitor request a sufficient stay at the time of entry to fulfill the purpose of the trip.

A visitor for business is an alien admitted to conduct business not of an employment nature.

Common examples are an alien business representative coming to the United States to buy parts or equipment for his or her business in another country, or alien rancher coming to purchase breeding stock for a ranch, or an alien employee of an international company coming to attend a business conference or seminar.

A visitor for business may not engage in any activity that would displace a resident worker, nor can a B-1 nonimmigrant receive direct remuneration from a United States source. A visitor for business may be admitted initially for up to one year, and receive extensions of up to six months each until the purpose of the trip has been completed. The B-1 visitor may only remain in the United States as long as is necessary to complete the business. Extensions of stay, with appropriate documentation, are applied for on Form I-539.

Spouses and children of aliens entering as B-1s are admitted as B-2s and are eligible for extensions of stay.

F-1 Student

Another nonimmigrant visa requested often is the foreign student visa (F-1).

Student visas are processed abroad by the American consulate. Like other nonimmigrants, a prospective foreign student must prove to the consul that he or she has an unrelinquished domicile abroad. Applicants must demonstrate that they have been accepted for a full course* of study in a school or university accredited by the INS to accept foreign students. (*Full course of study for undergraduate work at a college or university - at least 12 hours of instruction a week.) As part of their visa applications, the aliens must present the completed I-20 form issued to them by the accredited school.

Prospective students must also show that they have sufficient financial support to cover all costs for the planned years of study including living expenses. Applicants are required to submit evidence of their source of funds, such as Affidavits of Support, Form I-134, evidence of scholarship aid, bank statements or other verification of monetary assistance.

If the student visa is granted, the applicant must then be inspected and admitted at a port of entry by an immigration inspector. In recent regulations the INS tightened controls on foreign students. The new rules, which took effect on February 23, 1981, limit the time for which students are admitted to a specific period. The date their admission will expire is to be determined by the time it normally takes to complete their course of study as indicated on the Form I-20 of the school they will attend. Extensions of stay to remain in the United States will be considered by the INS on a case by case basis.

institution, and that their sole purpose in coming to the United States is to acquire an education. A student may remain in the United States only for as long as is permitted by the INS. A student must obtain permission from the Service in advance before changing schools or accepting employment.

Since students must verify at the time of their initial entry that they have sufficient funds to support themselves in addition to paying for the schooling, permission to accept employment is granted only if unforeseen economic difficulties arise after they are admitted. Periods of practical training may be obtained at the end of a bona fide educational program.

Applications for extensions of stay, change of schools, employment authorization, or practical training for students are made on Form I-538. If a student is applying for permission to accept employment or practical training, the responsible school official must endorse Form I-538 with a favorable recommendation.

Outreach participants may want to consult the foreign student advisor at the student's educational institution before counselling individual foreign students.

CHANGE OF NONIMMIGRANT STATUS

An alien who enters under a nonimmigrant classification and after entry decides to change classifications may apply for the desired change on Form I-506.

For example, a visitor for pleasure, after arriving in the United States to see a relative, might be invited to remain with the relative and attend school. Often a relative in the United States may want to help an alien family member have a better life by paying for his or her educational expenses.

In this regard, the I-506 application for a status change must be accompanied by an Affidavit of Support or other proof showing that the alien has the necessary financial sources and will not need to seek employment. An Affidavit of Support is made on Form I-134 by the person assisting the alien. An application for a nonimmigrant changing to a student status must be accompanied by Form I-20 from an INS approved school, as evidence that the alien has been accepted as a student.

Regarding a request for change of nonimmigrant status, if a potential B-2 believes at the time of the visa appointment at the American consulate that there is a possibility that he or she may want to become a student while in the United States, the applicant should so inform the consul. Considering this information, the consul may notate the B-2 visa appropriately, thus making it easier for the nonimmigrant to apply for the status change in the United States.

Some changes to other nonimmigrant classifications may require prior approval of a visa petition before the alien can seek a change of status. A nonimmigrant alien wishing to change to an "H" temporary worker or trainee classification or to an "L" intracompany transferee classification, must first be petitioned for successfully by an employer on Form I-129B.

Note, however that an alien seeking a change of nonimmigrant classification must maintain the classification under which he or she was admitted, until the change has been accomplished. The INS, may sometimes, for good cause, excuse the late filing of an application for change of nonimmigrant classification of an alien whose authorized stay in the United States has expired.

Form I-94 is a small 3" x 5" white paper issued to aliens at the time of entry into the United States.

The I-94 is an INS control document which records an alien's arrival in and departure from the United States. When properly stamped by an immigration officer, the form may identify the alien as legally admitted to this country for a temporary period of time, or it may show proof of alien registration.

Generally speaking, every alien in the United States who is not a lawful permanent resident should carry his/her I-94 at all times to demonstrate proof of status. An alien must have been issued one of these cards to be eligible to adjust his/her status to that of a permanent resident in the United States.

The I-94 consists of two forms attached together. At the time of inspection, the immigration inspector separates the forms and places an admission stamp on each copy. The first copy is returned to the alien and the other copy is forwarded to the INS Nonimmigrant Control Unit. At the time of entry, the inspecting officer records certain information concerning the alien on the card's lower right hand corner. This information includes the date of entry, a three-letter code signifying the port through which the alien entered, and the length of time the alien may remain in the United States. Please note that it is the date stamped on the I-94 by the immigration inspector — not the date shown on the visa — which determines the length of the alien's stay in this country.

Other information about the alien may be contained on the back of the I-94, such as change of status, extension dates, permission to accept employment, granting of voluntary departure, the fact that an alien has applied for adjustment of status or is involved in some other Service proceeding.

When an alien loses the I-94, he or she may apply for a duplicate by submitting Form I-102 with the proper fee. Obtaining a duplicate I-94 is a lengthy process, because Nonimmigrant Control must verify the alien's admission to the United States through the second copy of the card lifted at the port of entry. For this reason, aliens should be impressed about the importance of the I-94 and the requirement that it must be presented to an immigration officer if requested.

Mexican aliens who enter at a border port with Form I-586 (commonly called "local card" or "tarjeta local" in Spanish) will not have a Form I-94 unless at the time of entry the alien informed the immigration inspector that he or she would be in the United States for over 72 hours or would travel more than 25 miles from the southern border area. Canadian citizens also may not be in possession of Form I-94. Of course, aliens who enter the United States illegally, without inspection, will not have this Form.

In addition to the I-94, other frequently used alien documents are discussed below:

alien and his or her signature and long "RESIDENT ALIEN" appear in thick, navy blue letters at the top of the card. The backside contains a machine-readable encryption code which also identifies the holder. The I-551 is issued to an alien admitted or adjusted as a lawful permanent resident of the United States.

The card is part of the INS Alien Documentation Identification and Telecommunication system (ADIT). It is part of a total INS system that is counterfeit-proof, imposter-proof and unalterable and is capable of automated reading by standard electronic equipment. The I-551 is proof that the alien is entitled to work in the United States and receive other benefits of lawful permanent residence. It must be carried by the alien eighteen years of age or older at all times. Penalties may be imposed on the alien for failure to do so. If an alien loses the Form I-551, an application for a duplicate can be made on Form I-90.

B. Form I-151, Alien Registration Receipt Card:

The I-151, no longer issued, is the forerunner of the I-551. Commonly known as the "green card," it is a small, plastic-coated card showing the alien's face in a frontal, black-and-white photo, and other identifying information. On the card's backside the words "ALIEN REGISTRATION RECEIPT CARD" appear in small print at the top. Like the I-551, the I-151 is proof that the bearer is a lawful permanent resident. If an alien loses the I-151 and applies for a new alien registration card on Form I-90, instead of a duplicate of the old card, the alien will receive an I-551. Although the I-151 is no longer issued, thousands of lawful permanent residents still have these cards and are permitted to continue using them.

C. Re-Entry Permit:

A re-entry permit is a small booklet about the size of a passport. In order to obtain a re-entry permit, an alien must first be admitted as a permanent resident of the United States. This permit serves several purposes. An alien permanent resident, who will be absent from the United States for a period of one year or longer, must have a re-entry permit to retain permanent resident status.

As a general rule, an alien loses permanent resident status if he or she remains out of the United States for one year or longer. Exceptions are a spouse or child of a member of the United States armed forces, or of a civilian employee of the United States government abroad.

either in the United States or an Immigration Service abroad or at an American consulate. An alien permanent resident may apply for a re-entry permit on Form I-131.

D. Refugee Travel Document:

A refugee travel document is a document similar to a re-entry permit. This document is available to individuals who have been admitted to or allowed to remain in the United States as refugees. The document allows a refugee to travel outside the United States and return. This document is also accepted instead of a passport by most countries.

E. Other Alien Documentation:

1. Aliens who were in the United States at the time of the Alien Registration Act of 1940 may have Form AR-3. This card was given to them at the time they registered. It contains their picture and fingerprint. Although this form is not always proof that the alien is a permanent resident of the United States, most aliens who have this form would be eligible to obtain Form I-551, Alien Registration Receipt Card, after the creation of a record of lawful admission. If an alien is encountered with this form, he or she should be encouraged to contact the Immigration Service for an evaluation of his or her case, as well as advice on how to obtain lawful permanent resident status.
2. An alien who enters the United States as a crewmember on a ship or aircraft will have Form I-95. This form is basically the same as Form I-94. Aliens who enter as crewmembers are not eligible to adjust their status to that of lawful permanent residents of the United States.
3. Crewmembers may be in possession of Form I-184, "Alien Crewman Landing Permit and Identification Card," in lieu of Form I-95. This form is no longer issued, but older crewmembers may still have it in their possession and are permitted to continue to use it.
4. Canadian citizens and British subjects residing in Canada may be in possession of Form I-185, "Nonimmigrant Alien Canadian Border Crossing Card." This card is used to facilitate the entry into the United States of nonimmigrant border crossers. The form is printed on pink paper and laminated in plastic. Most Canadian visitors, however, are admitted without documents. Aliens who have been admitted to

5. Mexican aliens may be in possession of Form I-100 or the newer version, I-586 (local card), previously mentioned. This is a Mexican Border Crossing Card, equivalent to the I-185 used by Canadians. Aliens who enter with this card are permitted to remain in the United States as temporary visitors for up to 72 hours and may not travel more than 25 miles from the border. These limits may be exceeded if the alien requests authorization from the immigration inspector at the time of entry. In such a case, the alien will then be issued either Form I-94 or Form I-444, known previously as the SW-434.
6. As stated above, Form I-444 is issued to the rightful holder of a valid Form I-186 or I-586. This card may authorize a visit for business or pleasure for a period of more than 72 hours but not to exceed 15 days. It also expands the area to be visited to include any portion of the border states of Texas, New Mexico, Arizona, or California.

An alien ordered deported, who has had a long continuous residence in United States, may seek relief from deportation by applying for suspension of the order of deportation.

Outreach participants should be cautioned, however, about pursuing suspension cases because they are usually very complicated and time-consuming. Furthermore, an application for suspension of deportation must be filed on Form I-256A (which is accompanied by a Form G-325A). This form of relief is difficult to obtain and granted only under limited conditions.

The statutory prerequisites for suspension of deportation are most stringent. Among the basic requirements are:

1. The alien must have continuous physical presence in the United States for at least seven or ten years, depending on the type of deportation charge, immediately preceding the date of application. Please note, however, that physical presence is only a requirement for filing a suspension application, not a condition automatically entitling an alien to remain legally in the United States.
2. The alien must have good moral character for the same seven or ten-year periods mentioned above.
3. Deportation would cause "extreme hardship" in seven-year cases and "exceptional and extremely unusual hardship to the alien or his legally resident or citizen spouse, parent or child" in ten-year cases.

MORAL CHARACTER

In many suspension cases, it may be possible to prove that the alien has good moral character. In other words, the alien can show that he or she is not a habitual drunkard, adulterer, polygamist, prostitute, drug smuggler; has not been convicted of a crime of moral turpitude, or a serious offense; or two crimes for which the aggregate sentences actually imposed were five years or more; illegal gambler, murderer, Communist; as a result of a conviction, confined in a penal institution for 180 days or more; or given false testimony to obtain an immigration benefit. Yet, good moral character standing alone will not guarantee any relief.

EXTREME HARDSHIP

The difficulty in suspension cases arises in proving extreme or exceptional and extremely unusual hardship.

For example, the fact that the alien will suffer economically, or be unable to work in his or her profession if deported, are not sufficient grounds for suspension. The overall equities in a case must be thoroughly examined for the alien to prove hardship. The alien should cite the roots and his family have established in the community and how the family and

Extreme hardship is a question of fact. Therefore, practitioners should consider these key points in suspension cases:

- Length of residence in the United States.
- Family ties in the United States.
- Financial burdens in leaving the country.
- Health and age of the alien.
- Possibility of obtaining a visa abroad.

Seven-year suspension cases involve aliens who are not deportable on criminal, subversive, narcotic or moral grounds. Ten-year cases cover aliens who are deportable on criminal, subversive and immoral grounds. Those granted suspension of deportation by an immigration judge are referred to Congress for final approval.

PROCEDURE

According to procedure, if the suspension of deportation is approved, the Attorney General refers the case to Congress. In turn, Congress sends the case to the Judiciary Committees of each House.

In seven-year cases, unless either House passes a resolution of disapproval before the close of the session following the one in which the case is reported, suspension of deportation becomes final and the alien's lawful admission is recorded. If Congress rejects the suspension, the alien will be required to depart voluntarily or be deported.

On the other hand, ten-year suspension cases require a concurrent resolution of approval adopted by both Houses. If Congress disapproves the suspension, the alien is ordered deported.

It must be emphasized that the grant of suspension is a form of discretionary relief. Suspension of deportation may be revoked within five years if the Immigration Service concludes from unequivocal evidence that the alien was not in fact entitled to such relief.

Due to its complex nature it is recommended that experienced, accredited staff of voluntary agencies be consulted prior to requesting a hearing before an immigration judge.

Attention is invited to Section 244(f) of the INA which relates to certain aliens who are ineligible for suspension.

INS Sample Forms

Form I-94 is issued to incoming aliens as evidence of alien registration and to identify them as legally permitted to enter the United States, with the conditions of such admission indicated by a code which reflects the classification they have been accorded. Mexican aliens entering with a nonresident border crossing card, commonly called "Local Card" or "Tarjeta Local," and most Canadian nonimmigrants are not usually issued Form I-94. This form must accompany all applications for extension of stay or change of nonimmigrant classification. It is also submitted in conjunction with an application for adjustment of status to lawful permanent resident (Form I-485).

Form I-551, Alien Registration Receipt Card

Once an application for adjustment of status or issuance of immigrant visa is approved, the INS will forward the information to the Texas Card Facility in Arlington, Texas, where all forms I-551 (Alien Registration Receipt Cards) are printed. After approximately six months, the alien may expect to receive Form I-551 at the address in the United States where he/she intends to live.

The front view of Form I-551 indicates name, date of birth, alien number, port of entry, and classification. Also shown is the cardholder's picture, fingerprint, and signature. On the reverse side of Form I-551 are several codes used by the INS to identify the cardholder. A code Outreach participants need to be familiar with is the admittance date on the lower, left-hand corner.

Aliens issued cards previously on Form I-151 will continue to retain this card as valid evidence of alien registration and lawful admission for permanent residence.

Form I-130, Relative Visa Petition

Form I-130 is used by United States citizens and lawful permanent resident aliens to petition for their eligible family members. There are certain restrictions imposed depending on the category under which the form is being used. Therefore, it is important that you check the section of this manual relating to the particular preference or immediate relative classification sought. Form I-130 is used to petition under the immediate relative classification and under first, second, fourth and fifth preference classification.

Form I-140 is used by an alien or his/her prospective employer to establish preference classification. This form is used only to qualify under third and sixth preference. Be sure to check the section of this manual concerning the particular classification sought before filing this petition. Except for aliens qualified under Schedule "A" Blanket Labor Certification, all petitions on Form I-140 must be accompanied by such certification.

Form I-171, Notice of Approval of Relative Immigrant Visa Petition

Form I-171 is used by INS to notify the petitioner of the approval of a Relative Immigrant Visa Petition. This, however, does not guarantee that the beneficiary will be granted permanent resident status. The beneficiary must submit an application to a consular or INS officer as indicated on Form I-171 for final processing of his/her application for issuance of an immigrant visa or adjustment as a permanent resident.

Form I-485, Application for Status as Permanent Resident

Aliens who are in the United States may under certain conditions apply for adjustment of status to lawful permanent resident, without the necessity of traveling abroad to apply for an immigrant visa at an American Embassy or Consulate. Item 1 of Form I-485 gives six options to check. If an alien does not fall into one of the options listed, he should not file this application. Remember, for an alien to adjust status under any option except A, E, or F, he/she, upon entry, must have been inspected and admitted or paroled into the United States. Aliens who entered by evading inspection or aliens who entered as crewmembers or transits without visas are not eligible for adjustment.

Form I-485A, Application by Cuban Refugee for Permanent Residence

Form I-485A is used for natives or citizens of Cuba who are eligible to apply for permanent resident status and who were inspected by an immigration officer and admitted or paroled into the United States subsequent to January 1, 1959. The applicant must have been physically present in the United States for at least one year. This form is used also for a non-Cuban spouse and unmarried children of a native or citizen of Cuba. The spouse and unmarried children must also have been admitted or paroled into the United States subsequent to January 1, 1959, and have been physically present in the United States for at least one year thereafter.

Form I-485C, Application by Indochinese Refugee for Permanent Residence

Form I-485C is used by natives or citizens of Vietnam, Laos, or Cambodia who have been physically present in the United States for at least one year and who were paroled into the United States as refugees from those

countries subsequent to March 31, 1975, but prior to January 1, 1979; or who were inspected and admitted or paroled into the United States before March 31, 1975, and were physically present in the United States on March 31, 1975.

Form G-325A, Biographic Information

Form G-325A is used to provide background information to accompany certain applications, such as Form I-485, I-485A, I-485C, and other forms as specified. Therefore, type this form or print on it forcefully to insure that all copies are legible. Form G-325A must be completely filled out, including a foreign address for one year or longer. If it is not properly completed, the accompanying application will be returned.

FS-258, Fingerprint Chart

This form is used to record an applicant's fingerprints in conjunction with an application. It is generally submitted with Form G-325A and is a necessary part of an application for adjustment, naturalization or creation of a record of lawful admission. It may also be required with certain other applications, such as Form I-131 or I-570, depending on the conditions under which such applications are submitted. The FS-258 is not needed to accompany an application filed by an alien under the age of fourteen (14) years. The fingerprint chart must be obtained in the local INS district where the application will be filed because it is pre-coded for that locale.

Please note: In the upper right-hand corner of the form is a block marked "Leave Blank" which has an "A" to the side of it. It is common for people to write their alien number in this blank. This blank is not for the alien's "A" number. Do not write in this space.

Form I-551, Photograph Instructions

Two color photos with white background are required. Photos must be glossy, un-retouched, and not mounted. Dimension of facial image should be about one inch from chin to top of hair. Subject should be shown in three-fourths frontal view showing right side of face with right ear visible. Using pencil or felt pen, lightly print name and alien registration receipt number, if known, on the back of each photograph. Volag practitioners should place the photographs in an envelope when submitting them with the application. Make sure you do not staple through the photographs.

Form I-601, Application for Waiver of Excludability

Persons who are eligible for immigrant visas, except for having fallen into an excludable class because of mental disorder, physical affliction, or criminal or moral violation may apply for a waiver of the exclusion ground. In order to qualify for a waiver, the alien must be closely related to a United States citizen or lawful permanent resident alien.

Any alien who has ever been deported, or an alien who has within the past year been ordered excluded, or an alien who has been removed at government expense after having fallen into distress or in lieu of deportation, must be granted permission to reapply before he/she may apply for an immigrant visa or adjustment of status to lawful permanent resident.

Many aliens who have been returned abroad under safeguards, after having been arrested by an INS officer, will believe that they have been deported when in reality they have not. Therefore, Outreach participants should carefully question aliens they are assisting to determine if they were actually formally deported by an immigration judge before submitting the application on Form I-212. A recent law change has eliminated the need for permission to reapply if five years have passed since the deportation.

Form I-589, Request for Asylum in the United States

Form I-589 is used by an applicant when filing for political asylum in the United States. Supporting documents, such as newspaper articles, affidavits of witnesses, periodicals, official documents, applicant's own statements, etc., must include detailed explanations of relevance to the case and situation. The burden of proof is on the applicant to establish that he/she has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. Therefore, Form I-589 must be fully supported with available background materials.

Form I-90, Application for Alien Registration Card

Form I-90 is used by a lawful permanent resident alien to apply for a duplicate alien registration card, Form I-551, commonly called "green card." Aliens who become permanent residents before their fourteenth (14) birthday are required to file the I-90, along with fingerprints and new photographs upon reaching that age. Aliens may also want a new Form I-551 to reflect a name change due to marriage or other legal process.

Form I-131, Application for Issuance or Extension of Permit to Reenter the United States

Any alien lawfully admitted to the United States for permanent residence who intends to depart temporarily from the United States, may apply under section 233 of the I & NA for issuance of that permit by completing Form I-131. According to a recent change in the law, the permit is valid for two years and cannot be extended.

Form I-102, Application by Nonimmigrant Alien for Replacement of Arrival Document

Form I-102 is used to apply for replacement of lost, mutilated, or destroyed Arrival-Departure Record, Form I-94. Form I-94 is the small white

Form I-134, Affidavit of Support

Form I-134 is used by a person to indicate to the Immigration Service or to a Consular Officer that he intends to be responsible for the financial maintenance of an alien. In the case of any application for an immigrant visa or adjustment of status based on an alien's relationship to a United States citizen or a lawful permanent resident, proof may be required that the alien will not become a public charge. Form I-134 may be used for such purpose and is available without charge at any office of the Immigration Service. As a general rule, all applications based on family relationships should be accompanied by this form. This form may also be used to indicate financial responsibility for aliens being brought to the United States as nonimmigrant students or tourists. Applications for change of nonimmigrant classification from visitor for pleasure to student should also be accompanied by this form. According to a 1980 amendment to the Social Security Act, sponsors and aliens who execute the I-134 can be held liable for repayment if the alien, within three years after his entry, obtains Supplemental Security Income (SSI) benefits which are incorrectly paid because of misinformation by the sponsor or because of sponsor's failure to provide information. These provisions do not apply to an alien who becomes blind or disabled after admission as a lawful permanent resident, nor do they apply to aliens admitted as refugees or granted political asylum.

Form I-539, Application to Extend Time of Temporary Stay

Form I-539 is used by most nonimmigrant classifications to apply for an extension of the time they are allowed to remain in the United States. Exceptions are F-1s, students, and J-1s, exchange visitors. Certain extensions must be accompanied by visa petition approval. Practitioners will usually encounter applications for extensions for students or visitors for pleasure or business. Aliens seeking an extension should generally submit the I-539 not less than 15 nor more than 60 days before his/her authorized stay expires.

Form I-20A, Certificate by Nonimmigrant Student

Form I-20 is used by students (F-1), or aliens desiring to change nonimmigrant classifications to student to indicate to the Immigration Service that they have been accepted for study at an approved school.

Form I-538, Application by Nonimmigrant Student

Form I-538 is used by nonimmigrant students (F-1) to apply for extensions of stay, transfer from one school to another, or for permission to accept or continue employment. There is no fee for submitting this form.

Examples would be a visitor who after entry decides to remain in the United States to study, or a visitor for business who is called to the United States office of an international company, and after his/her arrival his company decides to retain him/her in a management position at the U. S. office. Outreach participants are most likely to encounter aliens seeking to change from visitor for pleasure to student. In case of any other change, contact the INS, as certain other changes require the approval of a visa petition in advance of the I-506 application.

Form G-641, Application for Verification of Information from Immigration and Naturalization Service Records

Form G-641 is used to apply for verification of information (i.e., age, date of birth, immigration status, etc.) from the INS records. This form may also be used for any requests where the information is to be furnished to another government agency or court. Volag practitioners may use this form to inform an American consul of an established derivative priority date for a relative following to join. A non-returnable \$5.00 fee is required for filing the G-641.

Form I-256A, Application for Suspension of Deportation

Form I-256A is used by aliens who seek to adjust their status through suspension of deportation pursuant to Section 244 (a) of the I&NA. The applicant must have been physically present in the United States for at least seven and/or ten years, or have served honorably in the armed forces of the United States for 24 months, must be a person of good moral character during all of that period, and must show that deportation would result in an extreme hardship to himself and/or to his United States citizen or lawful permanent resident spouse, parent or child.

To apply for suspension of deportation, the applicant must present Form I-256A together with a fee of \$75, during deportation proceedings. Note: Subsequent to June 30, 1964, crewmembers and certain exchange aliens are not eligible for suspension.

Form I-290A, Notice of Appeal to the Board of Immigration Appeals

An applicant who intends to appeal an immigration judge's oral decision will be required then and there to submit Form I-290A. The applicant may, however, request to file a brief. If so, he/she shall be allowed ten days from the date of the oral decision in which to file a brief. An appeal from the immigration judge's written decision shall be submitted to the BIA within 13 days after the judge's decision is mailed to the alien. The fee for filing Form I-290A is \$50. The form must be filed in triplicate at the local INS office.

**PLEASE TYPE OR
PRINT CLEARLY.
BOTH COPIES MUST BE
LEGIBLE.**

(DO NOT USE PENCIL)

All passengers, except U. S. Citizens, complete this form. Immigrants and Permanent Resident Aliens complete top four lines only.

• Foreign Visitors: Give Address Where You Can be Located.

• To be Completed Only For Arrival in U. S.

**THIS FORM REQUIRED
BY U.S. IMMIGRATION
& NATURALIZATION
SERVICE.
(DO NOT FOLD)**

Family Name (<i>Capital Letters</i>) GOMEZ-RODRIGUEZ,		First Name ROSA	Middle Initial E
Country of Citizenship El Salvador		Passport or Alien Registration Number G980356	
• United States Address (<i>Number, Street, City and State</i>) 4900 Del Plaza Street, Fairfax, VA 22045			
• Airline and Flight No. or Vessel of Arrival Pan Am 507		• Passenger Boarded at San Salvador, El Salva-	
Number, Street, City, Province (<i>State</i>) and Country of Permanent Residence Dpto. Chirilagua, Canton 16 #516, San Miguel DOT			
Month, Day and Year of Birth Feb. 10, 1951		U. S. IMMIGRATION 250 WAS 16	
City, Province (<i>State</i>) and Country of Birth San Miguel, El Salvador		November 10, 1980	
Visa Issued at San Salvador, El Salvador		Admitted B-2	
Month, Day and Year Visa Issued June 1, 1980		Until April 17, 1981	

**A NONIMMIGRANT ALIEN WHO
ACCEPTS UNAUTHORIZED
EMPLOYMENT IS SUBJECT
TO DEPORTATION**

**Surrender this copy
When Leaving
The United States
SEE REFUSE**

**FORM
I-94**

IMPORTANT NOTICE

- Retain this permit in your possession.
- The validity date of your visa does not mean you have permission to remain in the U.S. for such time.
- You are authorized to stay in the U.S. only until the date inscribed by the inspector on this form. To remain past this date, without permission from Immigration authorities, is a violation of law.

WHEN YOU LEAVE THE UNITED STATES

- By sea or air, surrender this permit to transportation line.
- Over Canadian border, surrender this permit to Canadian Immigration Officer.
- Over Mexican border, surrender this permit to United States Immigration Officer.

RECORD OF EXTENSIONS

To _____ Office _____
_____ Office _____
_____ Office _____

DEPARTURE RECORD

Port:

Date:

Carrier:

To:

(Country of disembarkation)

**UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service**

ARRIVAL-DEPARTURE RECORD FORM I-94 (REV. 4-1-79) V
FORM APPROVED GMB NO. 43-R486

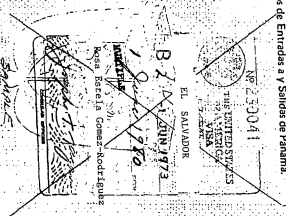
at a consular post abroad. Information required by various INS forms is shown on the visa stamp below. In the example, the visa number is 230041; place issued is El Salvador; classification is B-2, date issued is June 1, 1973, and expiration date is June 1, 1980.

NOTE: Many confuse the expiration date on the visa with that on the I-94 (arrival and departure record). The time allowed to remain in the United States is controlled by the I-94.

<p>Pasaporte No 8-44-858</p> <p>GOMEZ-RODRIGUEZ, ROSA E.</p> <p>Expedido en: WASHINGTON, D.C.</p> <p>Fecha de Expedición: 12-5-1979</p> <p>Fecha de Vencimiento: 17-5-1984</p>	Lugar de Nacimiento	
	San Miguel, El Salvador	
	Fecha de Nacimiento	
	February 10, 1951	
	Estatus Civil	Sexo
	soltera	F
	Estatuta	1.30
	Color de Cabello	Color de Ojos
Negro	Escuro	
Profesión		
Oficina		
Señas Particulares		
Ningun		

Este pasaporte consta de sesenta y cuatro (64) páginas

SAMPLE



02030405 15 82 562 673 16735

4419 12345 23456 45123 77484

112475 110 001 18263 9887645

RESIDENT ALIEN

U.S. Department of Justice - Immigration and Naturalization Service



USA ESTELA

021051

A05172596

ELP SA1



Estela Lopez (name)

ALIEN RELATIVE FOR
ISSUANCE OF
IMMIGRANT VISA

YOUR RELATIVE
IS THE
BENEFICIARY

1 Name of beneficiary (Last, in CAPS) (First) (Middle) VASQUEZ, Maria Isabel		2 Do Not Write in This Space		3 Names, birthdates and countries of birth of beneficiary's children. Antonio Vasquez - 2/15/68 Jose Manuel Vasquez - 10/11/70 Maria Teresa Vasquez - 5/03/75	
4 Other names used (including maiden name if married) Dominguez				Ecuador	
5 Country of beneficiary's birth Ecuador		6 Date of beneficiary's birth (Month, day, year) May 5, 1948			
7 My name is (Last, in CAPS) (First) (Middle) DOMINGUEZ Julio		8 My phone number is (703) 451-9013			
9 Other names used (including maiden name if married woman) NONE		10 Relationship of beneficiary to myself Sister			
11 I was born (Month) (Day) (Year) January 10, 1945		in (Town or city) (State or Province) Quito		(Country) Ecuador	
12 If you are a citizen of the United States, give the following: a. Citizenship was acquired (Check one) <input type="checkbox"/> through birth in the U.S. <input type="checkbox"/> through parents <input checked="" type="checkbox"/> through naturalization <input type="checkbox"/> through marriage (1) If acquired through naturalization, give name under which naturalized, number of naturalization certificate, and date and place of naturalization Julio Dominguez - #30095 - June 15, 1979 - Alexandria, Virginia (2) If known, my former alien registration was A 22-340-994 (3) If acquired through parentage or marriage, have you obtained a certificate of citizenship in your own name? (a) If so, give number of certificate and date and place of issuance (b) If not, submit evidence of citizenship in accordance with instruction 3 u (2)					
13 If you are a lawful permanent resident alien of the United States, give the following: Not Applicable a. Alien Registration Number b. Date, place, and means of admission for lawful permanent residence					
14 Beneficiary's marital status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Single		15 Name of beneficiary's spouse, if married, and date and country of birth (Omit this item if petitioner is for your spouse) Enrique Vasquez			
16 Full address of beneficiary's spouse and children, if any (Omit this item if petitioner is for your spouse) Calle 47, #3349 Quito, Ecuador					
17 If this petition is for your spouse or child, give the following: a. Date and place of your present marriage		b. Not Applicable Number of my prior spouses		c. Names of spouse's prior spouses	
18 Has this beneficiary ever been in the U.S.? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
19 Are beneficiary and petitioner related by adoption? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

—(CONTINUE WITH ITEM 20 ON REVERSE)—

OATH OR AFFIRMATION OF PETITIONER

I swear (affirm) that I know the contents of this petition signed by me and that the statements herein are true and correct.

Signature of petitioner (See Instruction No. 5) **Julio Dominguez**

Subscribed and sworn to (affirmed) before me this **20th** day of **Sept.** 1981, at **Washington, D.C.**

(SEAL) My commission expires **9/30/85**

(SIGNATURE OF OFFICER ADMINISTERING OATH) **Notary Public** (TITLE)

SIGNATURE OF PERSON PREPARING FORM IF OTHER THAN PETITIONER

I declare that this document was prepared by me at the request of the petitioner and is based on all information of which I have any knowledge.

(SIGNATURE) (ADDRESS) (DATE)

FORM I-130
(Rev. 10-26-79) N

RECEIVED	TRANS IN	RETO TRANS OUT	COMPLETED

<input type="checkbox"/> 201 (b) CHILD	<input type="checkbox"/> 203 (a) (2)	OF ACTION	<input type="checkbox"/> APPROVAL PREVIOUSLY FORWARDED
<input type="checkbox"/> 201 (b) PARENT	<input type="checkbox"/> 203 (a) (4)		
<input type="checkbox"/> 203 (a) (1)	<input type="checkbox"/> 203 (a) (5)		
		DD	
		DISTRICT	

REMARKS (Continued)

(PETITIONER IS NOT TO WRITE ABOVE THIS LINE)

20 Check the appropriate box below and furnish the information required for the box checked:

☒ Beneficiary will apply for a visa abroad at the American Consulate in Quito, Ecuador
(CITY IN FOREIGN COUNTRY) (FOREIGN COUNTRY)

☐ Beneficiary is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at _____ (CITY) (STATE)

If the application for adjustment of status is denied, the beneficiary will apply for a visa abroad at the American Consulate in _____ (CITY IN FOREIGN COUNTRY) (FOREIGN COUNTRY)

21 My residence in the United States is (C.O. if appropriate) (Apt. No.) (Number and Street) (Town or city) (State) (ZIP Code)
102 3320 King St., Alexandria, VA 22110

22 My address abroad (if any) is: (Number and street) (Town or city) (Province) (Country)
NONE

23 Last address at which I and my spouse resided together (Town or city) (State or Province) (Country) (Apt. No.) (Number and street) (Town or city) (State) (ZIP Code)
Alexandria, VA USA 102 3320 King St. 10 - 60 Present

24 Address in the United States where beneficiary will reside (City) (State)
Alexandria Virginia

25 Address at which beneficiary is presently residing (Apt. No.) (Number and street) (Town or city) (Province or State) (ZIP Code)
Calle 47 #3349 Quito, Ecuador

26. (a) Beneficiary's address abroad (if any) is: (Number and Street) (Town or City) (Province) (Country)
Calle 47 #3349 Quito, Ecuador

(b) If the beneficiary's native alphabet is other than Roman letters, write his/her name and address in the native alphabet: (Name) (Number and Street) (Town or City) (Province) (Country)
N/A

27. If this petition is for a child, (a), is the child married? N/A (b), is the child your adopted child? N/A If so, give the names, dates, and places of birth of all other children adopted by you. If none, so state

28. If this petition is for a brother or sister, are both your parents the same as the alien's parents? Yes If not, submit a separate statement giving full details as to parentage, dates of marriage of parents, and the number of previous marriages of each parent

29. If separate petitions are also being submitted for other relatives, give names of each and relationship to petitioner
None

30. Have you ever filed a petition for this alien before? No If so, give place and date of filing and result

31. If beneficiary is in the United States, give the following information concerning beneficiary

(a) Last arrived in U.S. as (Visitor, student, exchange alien, crewman, etowaway, etc.) on (Month) (Day) (Year)	(b) Date beneficiary's stay expired or will expire as shown on his Form I-94 or I-95 (Month) (Day) (Year)	(c) Beneficiary's File number if any A-
---	---	---

(d) Name and address of present employer	(e) Date alien began this employment
--	--------------------------------------

**PETITION TO CLASSIFY
PREFERENCE STATUS OF
ALIEN ON BASIS OF
PROFESSION OR
OCCUPATION**

DATE RECEIVED

FILE STAMP

TO THE SECRETARY OF STATE		REMARKS
Petition was filed on _____ Beneficiary's file number: A _____ Petition is approved for status under section <input type="checkbox"/> 203(a)(3) <input type="checkbox"/> 203(a)(6) <input type="checkbox"/> Sec. 212(a)(14) certification attached. <input type="checkbox"/> Blanket Sec. 212(a)(14) certification issued.		
DATE OF ACTION DD _____ DISTRICT _____		

PETITIONER IS NOT TO WRITE ABOVE THIS LINE

Read this form and the attached instructions carefully before filling in petition

Petitioner is hereby made to classify the status of the alien beneficiary named herein for issuance of an immigrant visa as ("X" one)

- ☐ A THIRD PREFERENCE IMMIGRANT - An alien who is a member of the professions, or who because of his exceptional ability in the sciences or arts will substantially benefit prospectively the national economy, cultural interests or welfare of the United States, and whose services are sought by an employer. (Sec. 203(a)(3), Immigration and Nationality Act, as amended.)
- ☐ A SIXTH PREFERENCE IMMIGRANT - An alien who is capable of performing skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States. (Sec. 203(a)(6), Immigration and Nationality Act, as amended.)

(If you need more space to answer fully any questions on this form, use a separate sheet, identify each answer with the number of the corresponding question and sign and date each sheet.)

PART I - INFORMATION CONCERNING ALIEN BENEFICIARY

1. NAME (Last, in CAPS) (First) (Middle)		2. ALIEN REGISTRATION NO. (If any)	3. PROFESSION OR OCCUPATION
4. OTHER NAMES USED (Married woman give maiden name)		5. DO NOT WRITE IN THIS SPACE	
7. PLACE OF BIRTH (Country)	8. DATE OF BIRTH (Month, day, year)		
9. NAME OF PETITIONER (Full name of organization; if petitioner is an individual give full name with last in capital letters)		10. NUMBER OF YEARS OF BENEFICIARY'S EXPERIENCE (If none explain why.)	
11. CITY AND STATE IN THE UNITED STATES WHERE ALIEN INTENDS TO RESIDE (City) (State)			
12. BENEFICIARY'S PRESENT ADDRESS (Number and street) (City or town) (State or province) (Country) (ZIP Code, if in U.S.)			
13. TO YOUR KNOWLEDGE, HAS A VISA PETITION EVER BEEN FILED BY OR ON BEHALF OF THIS BENEFICIARY BASED ON HIS/HER PROFESSION OR OCCUPATION? <input type="checkbox"/> YES <input type="checkbox"/> NO. If "Yes," give name of each petitioner and date and place of filing.			
14. IF BENEFICIARY IS NOW IN THE U.S. (a) HE/SHE LAST ARRIVED ON (Month) (Day) (Year) AS A (Visitor, student, exchange alien, temporary worker, crewman, stowaway, etc.) (b) SHOW DATE BENEFICIARY'S STAY EXPIRED OR WILL EXPIRE AS SHOWN ON FORM I-94 OR I-95 (Show latest date)			
15. NAME (Last name) (First name) (Middle name) (Maiden name, if married woman)			
BENEFICIARY'S SPOUSE (If Unmarried, State Unmarried)	COUNTRY OF BIRTH	DATE OF BIRTH	PRESENT ADDRESS (No. and Street) (City or town) (State or Province) (Country)
BENEFICIARY'S CHILDREN (If None, State None)	NAME (Show M or S for married or single)	M.S.	BIRTHDATE
		RECEIVED	TRANS. IN
		BET'D. TRANS. OUT	COMPLETED

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY	
Tomas Reyes	
CLASSIFICATION	FILE NO.
IR	A20 431 287
DATE PETITION FILED	DATE OF APPROVAL OF PETITION
May 4, 1979	Aug. 8, '79

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

1. ☒ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE Monterrey, Mexico. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS UNDER THE SUPERVISION OF THE DEPARTMENT OF STATE, WILL ADVISE THE BENEFICIARY CONCERNING VISA ISSUANCE. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*
2. ☐ IF YOU BECOME NATURALIZED AS A CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. AT THE SAME TIME, IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, ALSO ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY EXPEDITE THE IN ISSUANCE OF A VISA TO THE BENEFICIARY.
3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION, AS SHOWN ABOVE, HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT [REDACTED]. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THIS SERVICE HAS NOTHING TO DO WITH THE ACTUAL ISSUANCE OF VISAS. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF STATE. UNDER THE LIMITED NUMBER OF VISAS MAY BE ISSUED BY THAT DEPARTMENT DURING EACH YEAR AND THEY MUST BE ISSUED STRICTLY IN THE CHRONOLOGICAL ORDER IN WHICH PETITIONS WERE FILED FOR THE SAME CLASSIFICATION. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL INFORM HIM AND CONSIDER ISSUANCE OF THE VISA. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to enter any inquiry concerning visa issuance.*
4. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. (IF THE BENEFICIARY HAD PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.)
5. ☐ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON HIS PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT (FORM I-485).
6. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. HOWEVER, AN IMMIGRANT VISA NUMBER IS NOT PRESENTLY AVAILABLE. THEREFORE, THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT.
7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE RETURNED HERewith.
8. ☐ REMARKS:

DISTRICT DIRECTOR

APPLICATION FOR THE BENEFITS OF SECTION:

- ☐ Sec. 203(a)(7) and Sec. 245. ☐ Sec. 245, I&N Act
- ☐ Sec. 214(d), I&N Act ☐ Sec. 249 I&N Act
- ☐ Sec. 13, Act of 9/11/57

(DO NOT WRITE ABOVE THIS LINE.) (SEE INSTRUCTIONS BEFORE FILLING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

I. I hereby apply for the status of a lawful permanent resident alien on the following basis: (Check box A, B, C, D, E, or F)

- A. ☐ As a refugee to whom an immigrant visa is immediately available (Section 203(a)(7) and Section 245, I&N Act).
- B. ☐ As a person who entered the U.S. with a visa issued to me as the fiancé or fiancée of a U.S. citizen whom I married within 90 days after my entry, or as a child of such fiancé or fiancée (Sec. 214(d), I&N Act).
- C. ☐ As a former government official, or as a member of the immediate family of such official (Section 13, Act of September 11, 1957).
- D. ☒ As a person to whom an immigrant visa is immediately available, other than one described above (Section 245, I&N Act).
- E. ☐ As a person who has resided in the United States continuously since prior to July 1, 1924 (Section 249, I&N Act).
- F. ☐ As a person who has resided in the United States continuously since a date on or after July 1, 1924, but before June 30, 1948 (Section 249, I&N Act).

2. My name is (Last in capital letters) (First Name) (Middle Name)

RESENDEZ, Maria Eva

3. Sex

☐ Male ☒ Female

Phone number

915/577-4753

4. I reside in the United States at: (c/o) (No. and Street) (Apt. No.) (City) (State) (ZIP Code)

1308 E. River St., El Paso, TX 79902

5. My alien registration number

A22-362-853

7. I am a citizen of (Country)

Mexico

8. Date of Birth

Jan. 18, 1931

9. Place of Birth (City or Town) (County, Province, or State) (Country)

Mexico City

Mexico

10. Name as appears on nonimmigrant document (Form 194)

Resendez, Maria Eva

1. I last arrived in the United States at the port of (City and State)

El Paso, Texas

on (Month) (Day) (Year)

Jan. 18, 1955

by (Name of vessel or other means of travel)

Eastern #191

as a (visitor, student, crewman, parolee, etc.)

B-2

I ☒ was ☐ was not inspected

11. My nonimmigrant visa, number 00122, was issued by the

United States Consul at (City) (Country)

Mexico City, Mexico

on (Month) (Day) (Year)

Jan. 5, 1955

12. I am

☐ single ☒ married

☐ divorced ☐ widowed

13. I have been married one times, including my present marriage, if now married. (If you are now married give the following:)

a. Number of times my husband or wife has been married

Once

b. Name of husband or wife (Wife give maiden name)

Hector Arturo Resendez

c. My husband or wife resides ☒ with me ☐ apart from me at Address (Apt. No.) (No. & Street) (Town or City) (Province or State) (Country)

1308 E. River St., El Paso, TX 79902

14. a. I have 3 sons or daughters as follows: (Complete all columns as to each son or daughter; if living with you state "with me" in last column, otherwise give city and state or country of son's or daughter's residence).

Name	Sex	Place of Birth	Date of Birth	Now living at
Hector Arturo	M	El Paso, Texas	Aug. 4, 1957	with me
Lorenzo	M	El Paso, Texas	Dec. 3, 1958	with me
Luis Alonso	M	El Paso, Texas	Oct. 9, 1968	with me

b. The following members of my family are also applying for permanent resident status:

NONE

15. I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership in the United States or a foreign country, and the periods and places of such membership. (If you have never been a member of any organization, state "None".)

none

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Form 1-486 (Rev. 11-29-59) N

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18. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED BY LAW. ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RESIDENTS:

Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations); aliens who have been engaged in or who intend to engage in any commercialized sexual activity; aliens who are or at any time have been, anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature; aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana; aliens who have been involved in assisting any other aliens to enter the United States in violation of law; aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service; medical graduates (other than those for whom Relative petitions have been approved) coming principally to perform services as members of the medical profession, unless they have passed Parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health, Education, and Welfare) and who are competent in oral and written English.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No (If answer is Yes, explain)

20. COMPLETE THIS BLOCK ONLY IF YOU CHECKED BOX "A", "B", "C", or "D" OF BLOCK 1

APPLICANTS WHO CHECKED BOX "A" "B" "C" OR "D" OF BLOCK 1 (INCLUDING REFUGEES) IN ADDITION TO ESTABLISHING THAT THEY ARE NOT MEMBERS OF ANY OF THE INADMISSIBLE CLASSES DESCRIBED IN BLOCK 10 ABOVE MUST, EXCEPT AS OTHERWISE PROVIDED BY LAW, ALSO ESTABLISH THAT THEY ARE NOT WITHIN ANY OF THE FOLLOWING INADMISSIBLE CLASSES:

Aliens who are mentally retarded, insane, or have suffered one or more attacks of insanity; aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease; aliens who have a physical defect, disease or disability affecting their ability to earn a living; aliens who are paupers, professional beggars or vagrants; aliens who are polygamists or advocate polygamy; aliens who intend to perform skilled or unskilled labor and who have not been certified by the Secretary of Labor (see Instruction 10); aliens likely to become a public charge; aliens who have been excluded from the United States within the past year, or who at any time have been deported from the United States, or who at any time have been removed from the United States at Government expense; aliens who have procured or have attempted to procure a visa by fraud or misrepresentation; aliens who have departed from or remained outside the United States to avoid military service in time of war or national emergency; aliens who are former exchange visitors who are subject to but have not complied with the two year foreign residence requirement.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No (If answer is Yes, explain)

21. I ☒ do ☐ do not intend to seek gainful employment in the United States. If you intend to seek gainful employment in the United States,

state the occupation you intend to follow office work

22. (Complete this block only if you checked box A or D of block 1)

- ☐ a. I have a priority on the consular waiting list at the American Consulate at _____ as of _____ (City) (Date)
- ☒ b. A visa petition according me ☐ immediate relative ☒ preference status was approved by the district director at El Paso, TX on May 6, 1978 (City and State) (Date)
- ☐ c. A visa petition has not been approved in my behalf but I claim eligibility for preference status because ☐ my spouse ☐ my parent is the beneficiary of a visa petition approved by the district director at _____ (City and State) on _____ (Date)
- ☐ d. I am claiming preference status as a refugee under the proviso to Section 203 (a)(7) of the Act who has been continuously physically present in the United States for at least the past two years. (If you check this item, you must execute and attach Form I-596A to this application.)
- ☐ e. Other (Explain)

23. (Complete this block only if you checked Box E or F of Block 1)

A. I first arrived in the United States at (Port)

on (Date)

by means of (Name of vessel or other means of travel)

I ☐ was ☐ was not inspected by an immigration officer.

B. I entered the U.S. under the name (Name at time of entry)

and I was destined to (City and State)

I was coming to join (Name and relationship)

C. Since my first entry I ☐ have ☐ have not been absent from the United States. (If you have been absent, attach a separate statement listing the port, date and means of each departure from and return to the U.S.)

24. ☒ Completed Form G-325A (Biographic Information) is attached as part of this application.

☐ Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age.

25. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW:

Signature of Applicant:

Maria Eva Rueda

Date of Signature:

9/6/81

26. (Signature of person preparing form, if other than applicant.) I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.

Address of person preparing form, if other than applicant

Date:

Occupation:

(Application not to be signed below until applicant appears before an officer of the Immigration and Naturalization Service for examination)

I, _____, do swear (affirm) that I know the contents of this application subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this application was signed by me with my full, true name:

(Complete and true signature of applicant)

Subscribed and sworn to before me by the above-named applicant at _____ on _____ (Month) (Day) (Year)

(Signature and title of officer)

DATE RECEIVED

FILE NO.

APPLICANT FOR BENEFITS OF

- ☐ Section 1 of the Act of November 2, 1966.
☐ Section 2 of the Act of November 2, 1966.

NO ESCRIBA MAS ARRIBA DE ESTA LINEA. VEA LAS INSTRUCCIONES ANTES DE EJECUTAR LA PLANILLA DE SOLICITUD. SI NECESITA MAS ESPACIO PARA CONTESTAR POR COMPLETO ALGUNA PREGUNTA, USE UN PLIEGO SEPARADO E IDENTIFIQUE CADA RESPUESTA CON EL NUMERO DE LA PREGUNTA CORRESPONDIENTE. ESCRIBA CON LETRA DE IMPRENTA.

DO NOT WRITE ABOVE THIS LINE. SEE INSTRUCTIONS BEFORE FILLING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. PRINT IN BLOCK LETTERS.

¡LEEN ESTE SOLAMENTE EL CUADRO 1A O EL 1B! (COMPLETE BLOCK 1A OR 1B ONLY)

1. A. Por la presente yo solicito convertirse en residente permanente extranjero sobre la siguiente base. (Marque solamente (1) o (2).)
 I hereby apply to become a lawful permanent resident alien on the following basis: (Check (1) or (2) only.)

- (1) ☐ Yo soy nativo o ciudadana de Cuba. Fui inspeccionado por un funcionario del Servicio de Inmigración de los Estados Unidos de América y admitido o permitido entrar bajo pólizas en los Estados Unidos con posterioridad al 1 de Enero 1959, y he estado físicamente presente en este país por lo menos un año después de eso. o I am a native or citizen of Cuba. I was inspected by a U.S. immigration officer and admitted or paroled into the United States subsequent to January 1, 1959, and have been physically present in the United States for at least 1 year thereafter; or
- (2) ☐ Yo no soy nativo o ciudadana de Cuba, sino soy — ☐ la esposa ☐ el esposo, o ☐ la hija ☐ el hijo menor de edad y de estado soltero, de un nativo o ciudadana de Cuba, al como he sido descrito anteriormente en "11", con quien estoy residiendo. Yo fui admitido por un funcionario del Servicio de Inmigración de los Estados Unidos de América y admitido o permitido entrar bajo pólizas en los Estados Unidos, con posterioridad al 1 de Enero 1959, y he estado físicamente presente en este país por lo menos un año después de eso. I am not a native or citizen of Cuba but I am the ☒ husband ☐ wife, or ☒ minor unmarried child of a native or citizen of Cuba described in "11" above with whom I am residing. I was inspected by a U.S. immigration officer and admitted or paroled into the United States subsequent to January 1, 1959, and have been physically present in the United States for at least 1 year thereafter.

1. B. Por la presente yo solicito que mi permiso para residencia permanente tenga como fecha la de mi llegada original a los Estados Unidos de América cuando admitido bajo pólizas como un emigrante, o la del 1 de Mayo de 1964, de las dos la que sea posterior. (Marque solamente (1) o (2).)
 I hereby apply to have my admission for permanent residence recorded as of the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later. (Check (1) or (2) only.)

- (1) ☐ Yo soy un nativo o ciudadana de Cuba, que fue legalmente admitido en los Estados Unidos para residencia permanente. I am a native or citizen of Cuba who was lawfully admitted into the United States for permanent residence.
- (2) ☐ Yo no soy nativo o ciudadana de Cuba, sino soy ☐ la esposa ☐ el esposo, o ☐ la hija ☐ el hijo menor de edad y de estado soltero, de un nativo o ciudadana de Cuba, al como he sido descrito anteriormente en "11", con quien estoy residiendo. Fue admitido en los Estados Unidos para residencia permanente. I am not a native or citizen of Cuba but I am the ☒ husband ☐ wife, or ☒ minor unmarried child of a native or citizen of Cuba described in "11" above with whom I am residing. I was admitted into the United States for permanent residence.

2. Mi nombre es My name is	(Apellido) (Last)	(Nombre de pila) (First)	(Nombre intermedio) (Middle)	SEX <input type="checkbox"/> Man/otro SEX <input checked="" type="checkbox"/> Male	<input type="checkbox"/> Femenino <input checked="" type="checkbox"/> Female
3. Yo vivo en los Estados Unidos en: I reside in the United States at:	(Calle y Num.) (No. and Street)	(Num. del Apdo.) (Apt. No.)	(Ciudad) (City)	(Estado) (State)	(Código postal) (ZIP Code)
5. Mi número de Registro de Extranjeros es: My alien registration number is	6. Ahora soy un ciudadano de (País) I am now a citizen of (Country)	7. Fecha de nacimiento (mes día año) Date of Birth (month day year)	4. ¿Ha solicitado usted alguna vez residencia permanente en los EE. UU.? Si <input type="checkbox"/> No <input checked="" type="checkbox"/> (Si la respuesta es "Si" indique fecha y lugar de presentación y resolución definitiva.) Have you ever applied for permanent residence status in the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "Yes" give date and place of filing and final disposition.)		
8. Lugar de nacimiento Place of Birth	(País o ciudad) (City or Town)	(Departamento o provincia) (County, Province, or State)	(País) (Country)		
9. Nombre según aparece en su documento de entrada como no emigrante formulario I-94. Name as appears on nonimmigrant document Form I-94.					
10. Mi primera llegada a los Estados Unidos, después del 1 de enero de 1959, fue en: My first entry to the United States after January 1, 1959, occurred on: Fecha (Mes, día y año) Date (Month, Day, Year)	Al puerto o aeropuerto de: At the Port of (City, State)				
11. Yo llegué por (nombre del barco u otro medio de transporte) I arrived by (Name of vessel or other means of travel)	como un (Visitante, estudiante, ciudadana de los EE. UU., póliza, inmigrante, bajo póliza, etc.) as a (Visitor, student, U.S. citizen, stowaway, immigrant, parolee, etc.)				
12. <input type="checkbox"/> Pasé <input type="checkbox"/> No pasó por la inspección. I <input checked="" type="checkbox"/> was <input type="checkbox"/> was not inspected	13. Mi visa de no inmigrante, número _____, fue expedida por el Consulado de los Estados Unidos en (Ciudad, País) el (Fecha: día mes año) My nonimmigrant visa, number _____ was issued by the U.S. Consul at (city, state) on (month, day, year)				

Form 1 — 485A (Rev. 3-25-81)Y

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(Page 1)

APPLICATION BY INDOCHINESE REFUGEE FOR PERMANENT RESIDENCE

Form Approved
OMB No. 45-R0565

DATE RECEIVED

File Number

Applicant for benefits of

- ☐ Section 101 of the Act of October 28, 1977
☐ Section 103 of the Act of October 28, 1977
☐ Section 104 of the Act of October 28, 1977

DO NOT WRITE ABOVE THIS LINE. SEE INSTRUCTIONS BEFORE FILLING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. PRINT IN BLOCK LETTERS

COMPLETE ONLY ONE OF THE FOLLOWING (1A, 1B, OR 1C):

1.A. I hereby apply to become a lawful permanent resident alien on the following basis:

one

I am a native or citizen of Vietnam, Laos, or Cambodia and have been physically present in the United States for at least 06 years and:(1) ☒ was paroled into the United States as a refugee from those countries subsequent to March 31, 1975, but prior to January 1, 1979;
or(2) ☐ was inspected and admitted or paroled into the United States on or before March 31, 1975, and was physically present in the United States on March 31, 1975.

1.B. I hereby apply to have my admission for permanent residence recorded as of March 31, 1975, or the date of my arrival in the United States, whichever date is later. I was lawfully admitted for permanent residence prior to October 28, 1977.

☐ I am a native or citizen of Vietnam, Laos, or Cambodia and I have been physically present in the United States for at least two years.

1.C. I hereby apply to become a lawful permanent resident alien on the following basis:

I am not a native or citizen of Vietnam, Laos, or Cambodia but I have been physically present in the United States for at least two years and I am the ☐ spouse ☐ minor unmarried child of a native or citizen of Vietnam, Laos, or Cambodia.

2. My name is (Family Name) (First/Given Name) (Middle Name)		SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
NGUYEN HONG DINH		
2A. Name which you were admitted to the United States (If different from above) SAME AS ABOVE		
3. I reside in the United States at: (No. & Street) (Apt. No.) (City & State) (Zip Code)		4. Have you ever applied for permanent residence status in the United States?
2124 Market Street, San Francisco, CA 04114		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If "Yes", give date and place of filing and final disposition.)
5. Alien registration No.	6. I am now a citizen of (Country)	7. Date of Birth
A-22 642 759	Vietnam	June 13, 1944
8. Place of Birth (City or Town) (County, Province, or State) (Country)		
Hoa Lac, Ninh Binh Vietnam		
9. Name as appears on nonimmigrant document Form I-94 NGUYEN, HUY DINH		
10. My last arrival in the United States occurred on: DATE: (Month, Day, Year)		At the Port of (City, State)
12-2-76		Chicago, Illinois
11. I arrived by (Name of vessel or other means of travel)		as a (Visitor, student, U.S. citizen, stowaway, immigrant, parolee, etc)
United Air Lines		Parolee
12. I <input checked="" type="checkbox"/> was <input type="checkbox"/> was not inspected		13. My nonimmigrant visa, number <u>None</u> , was issued by the U.S. Consul at (City, Country)
14. I have been married _____ times, including my present marriage, if now married. (If you are now married give the following):		
A. Number of times my husband or wife has been married. <u>One</u>		B. Name of husband or wife (Wife's maiden name) <u>MAI THI THAI</u>
C. My husband or wife resides <input type="checkbox"/> with me <input checked="" type="checkbox"/> apart from me at Address (Apt. No.) (No. & Street) (Town or City) (Province or State) (Country) <u>Exact address unknown (Saigon, Vietnam)</u>		
15. I <input checked="" type="checkbox"/> have <input type="checkbox"/> have not been absent from the United States during the past two years.		

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FORM I-485C, APPLICATION BY INDOCHINESE REFUGEE FOR PERMANENT RESIDENCY

16. In the spaces below, list all of your entries into and departures from the United States. (Show your LAST entry FIRST)				
Date of Entry	Port of Entry	Entered as (Visitor, student, parole, stopway, etc.)	Date of Departure	Port of Departure
12-2-76	Chicago, Illinois	PAROLEE	11-30-76	Chicago, Illinois
4-7-75	Los Angeles, CA	PAROLEE	-----	-----

17.A I have <u>2</u> sons or daughters as follows: (Complete all columns as to each son or daughter; if living with you state "with me" in last column; otherwise give city and state or country of son's or daughter's residence.)				
Name	Sex	Place of Birth	Date of Birth	Now living at
Nguyen Huy Hanh	Male	Saigon, Vietnam	12-8-67	Add. Unk., Saigon, Viet.
Nguyen Van Hong	Male	Saigon, Vietnam	3-17-71	With me

B. The following members of my family are also applying for permanent resident status: NGUYEN Van Hong, A22 642 760, TRAN Ngoc Khanh, A22 317 585, LE Thi Thuy, A22 642 758, TRAN Ngoc Thanh, A21 317 586
 18. I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership in the United States or a foreign country, and the periods and places of such membership. (If you have never been a member of any organization, state "None".)
Army, Republic of Vietnam, 1965 - 1967 (Enlisted Man)
Knights of Columbus, Saigon, Vietnam, 1971 - 1975

19. I ☐ have ☒ have not been treated for a mental disorder, drug addiction or alcoholism. (If you have been, explain.)
 20. I ☒ have ☐ have not been arrested, convicted or confined in a prison. (If you have been, explain.)
 21. I ☐ have ☒ have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action. (If you have been, explain.)
 22. I ☐ have ☒ have not ordered, assisted, or otherwise participated in the persecution of any person because of race, religion or political opinion. (If you have, explain.)

23. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED BY LAW. ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RESIDENTS UNDER THE ACT OF OCTOBER 28, 1977:

Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations); aliens who have been engaged in or who intend to engage in any commercialized sexual activity; aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature; aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marijuana, or who have been illicit traffickers in narcotic drugs or marijuana; aliens who have been involved in assisting any other aliens to enter the United States in violation of law; aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service; aliens who ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, or political opinion.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No (If answer is Yes, explain.)
 24. ☒ Completed Form G-325A (Biographic Information) is attached as part of this application.
☐ Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age.

25. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW:
 Signature of Applicant: Hong Dinh Nguyen
 Date of Signature: 2/10/78

26. (Signature of person preparing form, if other than applicant.) I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.
 Date: 2/10/78
 Address of person preparing form, if other than applicant:
AG 4
San Francisco, CA
 Occupation: Caseworker

(Application not to be signed below until applicant appears before an officer of the Immigration and Naturalization Service for examination)
 1. NGUYEN DINH HONG do swear (affirm) that I know the contents of this application subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this application was signed by me with my full, true name:

 (Complete and true signature of applicant)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No. 43-8066

DEMOGRAPHIC DATA TO ACCOMPANY APPLICATION FOR CREATION OF A RECORD OF LAWFUL ADMISSION FOR AN INDOCHINA REFUGEE																																							
(PLEASE TYPE OR PRINT)																																							
1. (Family Name, in CAPS) NGUYEN		(First) Hong		(Middle) Dinh		2. Alien Registration Number A-22 662 759																																	
3a. Name which you were admitted to the United States (if different from above) Same as above						Telephone Number (415) 362-4630																																	
3. Date of Birth (Month) (Day) (Year) June 13, 1944		4. City and Country of Birth Hoa Lac, Vietnam		4a. Nationality Vietnam		5. <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		6. <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed																															
7. List all of your dependents in the United States:																																							
<table border="1"> <thead> <tr> <th>Name and Relationship</th> <th>Sex</th> <th>Place of Birth</th> <th>Date of Birth</th> <th>Type of School / Grade Completed</th> </tr> </thead> <tbody> <tr> <td>NGUYEN, Hong Van son</td> <td>M</td> <td>Saigon, Vietnam</td> <td>3-17-71</td> <td>Infant</td> </tr> <tr> <td>LE, Thuy Thi mother</td> <td>F</td> <td>Gia Dinh, Vietnam</td> <td>10-27-24</td> <td>Elementary/Sixth</td> </tr> <tr> <td>TRAN, Thanh Ngoc bro-law</td> <td>M</td> <td>Saigon, Vietnam</td> <td>4-28-55</td> <td>College/Fourth</td> </tr> <tr> <td>TRAN, Khanh Ngoc nephew</td> <td>M</td> <td>Saigon, Vietnam</td> <td>12-24-74</td> <td>Infant</td> </tr> <tr> <td>NGUYEN, Mai Thi sister</td> <td>F</td> <td>Go Vap, Vietnam</td> <td>8-22-52</td> <td>College/Second</td> </tr> </tbody> </table>										Name and Relationship	Sex	Place of Birth	Date of Birth	Type of School / Grade Completed	NGUYEN, Hong Van son	M	Saigon, Vietnam	3-17-71	Infant	LE, Thuy Thi mother	F	Gia Dinh, Vietnam	10-27-24	Elementary/Sixth	TRAN, Thanh Ngoc bro-law	M	Saigon, Vietnam	4-28-55	College/Fourth	TRAN, Khanh Ngoc nephew	M	Saigon, Vietnam	12-24-74	Infant	NGUYEN, Mai Thi sister	F	Go Vap, Vietnam	8-22-52	College/Second
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9. Applicant's residence last five years. List present address first. (EXCLUDE RELOCATION CAMP)																																							
Street and Number				City	Province or State	Country	From	To																															
2124 Market Street				San Fco	CA	USA	Month Year	Month Year																															
434 Leavenworth, Apt. 310				San Fco	CA	USA	July 1976	Present																															
1506 S. State St.				Chicago	Illinois	USA	June 1975	Dec 1975																															
IN RELOCATION CAMP							Apr 1975	June 1975																															
A/15 Cu Xa Bac Hai				Saigon		Vietnam	Dec 1969	Apr 1975																															
10. I am currently residing in:																																							
<input type="checkbox"/> Apartment <input type="checkbox"/> Mobile Home <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> House <input type="checkbox"/> Other (Specify)																																							
11. Are you living rent free? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																							
12. Applicant's employment last three (3) years. List present employment first.																																							
Full name and Address of Employer						Job Title	Wage / Hour	13. Fluency in English																															
B. of America, 111 Montgomery St., San Fco., CA						Accountant	\$8.40	(Check)																															
Unemployed, San Fco., CA								Reading																															
Lincoln L.I. Co., Madison Ave., Chicago, IL						Accountant	\$4.35	Writing	X																														
Govt. South Vietnam, Saigon, Vietnam						Dir. Soc. Serv.	\$6.15	Speaking	X																														
Last Job Title: Abroad Social Services Director																																							
15. Name and Location of Schools Attended																																							
Sorbonne University, France		University		1960-1962		Highest Grade Completed		Title of Degree																															
Univ. of Calif., Berkeley, CA		University		1956-1960		4th		B.A.																															
16. To be answered only by the head of household to the best of his/her ability:																																							
Have you received any public / private assistance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes answer the following																																							
Public Assistance (Source)		Type		From/To		Dollar Amount																																	
California State & S.Fco. County		Medical		Jan 76 - Apr 1976		\$1,200																																	
HEW, US Govt.		BEOG		Jan 76 - Present		2,450																																	
Private Assistance (Source)		Furnishings																																					
Catholic Charities, Chicago		Rent, food, clothing		Jun 75 - Nov 75		3,500																																	
US Cath. Conf (Camp)		Cash Advance		Jun 1975		120																																	

FORM G-325A, BIOGRAPHIC INFORMATION

FORM G-325A (REV. 6-18-80) Y

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No. 15-R05

BIOGRAPHIC INFORMATION

(Family name) (First name) (Middle name)		<input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	BIRTHDATE(Mo.-Day-Yr.)	NATIONALITY	FILE NUMBER
Gomez-Cano Rosa Estela			2/10/51	Salvadorian	A
ALL OTHER NAMES USED (Including names by previous marriages)			CITY AND COUNTRY OF BIRTH		SOCIAL SECURITY NO. (If any)
Rosa Estela Gomez			San Miguel, El Salvador		None
FAMILY NAME FIRST NAME DATE, CITY AND COUNTRY OF BIRTH (If known) CITY AND COUNTRY OF RESIDENCE.					
FATHER		Gomez Robert	5/20/26	El Salvador	El Salvador
MOTHER (Maiden name)		Rodriguez Elvira	9/03/27	El Salvador	El Salvador
HUSBAND (If none, so state)		FAMILY NAME FIRST NAME BIRTHDATE CITY & COUNTRY OF BIRTH DATE OF MARRIAGE PLACE OF MARRIAGE			
OR WIFE		Cano Jose		10/26/45	Mexico 5/5/79 Arlington Virginia
FORMER HUSBANDS OR WIVES (If none, so state) NONE					
FAMILY NAME (For wife, give maiden name)		FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
2011-North Daniel	Arlington	VA	USA	May	1979		
1311 18th Street, N.W., #5	Washington	DC	USA	Jan.	1974	May	1979

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
Dpto. Chirilagua Canton 16 #516 San Miguel,			El Salvador	Feb.	1951	Jan.	1974

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (If specific)	FROM		TO	
		MONTH	YEAR	MONTH	YEAR
Unemployed					

Show below last occupation abroad if not shown above. (Include all information requested above.)

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:

- ☐ NATURALIZATION ☒ STATUS AS PERMANENT RESIDENT
☐ OTHER (SPECIFY):

SIGNATURE OF APPLICANT

DATE

Rosa Epistola Estela Cano
IF YOUR ACTIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET IN THIS SPACE:

Are all copies legible? ☒ Yes

PENALTIES: SEVERE PENALTIES ARE PROVIDED OF LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family name)	(Given name)	(Middle name)	(Alien registration number)
GOMEZ-CANO,	Rosa	Estela	
(OTHER AGENCY USE)			INS USE (Office of Origin)
			OFFICE CODE:
			TYPE OF CASE:
			DATE:

FS-258, FINGERPRINT CHART

APPLICANT		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME <u>NAME</u> FIRST NAME _____ MIDDLE NAME _____		FBI LEAVE BLANK	
SIGNATURE OF PERSON FINGERPRINTED RESIDENCE OF PERSON FINGERPRINTED 1308 E. River St. El Paso, Texas 79902		ALIASES <u>AKA</u> Maria Eva Resendez CITIZENSHIP <u>CTZ</u> Mexico TOUR NO. <u>OGA</u> A22 362 853 FBI NO. <u>FBI</u> ARMED FORCES NO. <u>MNU</u> SOCIAL SECURITY NO. <u>SOC</u> 000-00-0000 MISCELLANEOUS NO. <u>MNU</u>		0 A 1 D C I N S U F D D U S I N S W A S H D C SEX <u>M</u> RACE <u>W</u> AGE <u>31</u> HT <u>5'5"</u> WT <u>120</u> EYES <u>Brn</u> HAIR <u>Blk</u> DATE OF BIRTH <u>DOB</u> Month <u>Jan</u> Day <u>18</u> Year <u>'31</u> PLACE OF BIRTH <u>POB</u> Mexico LEAVE BLANK		CLASS _____ REF. _____	
DATE _____ SIGNATURE OF OFFICIAL TAKING FINGERPRINTS _____ EMPLOYER AND ADDRESS J.C. Penney's El Paso, TX 79902 REASON FINGERPRINTED To Adjust Status							

R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	1. R. LITTLE
L. THUMB	2. L. INDEX	3. L. MIDDLE	4. L. RING	1. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

IMMIGRATION AND NATURALIZATION SERVICE

I-551 PHOTOGRAPH INSTRUCTIONS — Two color photos with white background are required; photos must be glossy, un-retouched, and not mounted; dimension of facial image should be about 1" from chin to top of hair; subject should be shown in $\frac{3}{4}$ frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print name (and alien registration receipt number if known) on the back of each photograph.

FORM I-601, APPLICATION FOR WAIVER OF EXCLUDABILITYForm Approved
OMB No. 43-RO391**UNITED STATES DEPARTMENT OF JUSTICE**

Immigration and Naturalization Service

**APPLICATION FOR WAIVER
OF GROUNDS OF EXCLUDABILITY**(Pursuant to Section 212 (g), (h), or (i)
of the Immigration and Nationality Act)

FEE STAMP

NAME (Family Name in Capital Letters)		(First Name)	(Middle Name)	FILE NUMBER
PRESENT ADDRESS (Number and Street)		(City or Town)	(Country)	(Zip Code, if in U.S.)
DATE OF BIRTH	BIRTHPLACE (City or Town)		(Country)	
I APPLIED FOR A VISA AT THE AMERICAN CONSULATE AT			DATE OF VISA APPLICATION	
I WAS DECLARED INADMISSIBLE UNDER SECTION(S) (PLACE AN "X" IN THE APPROPRIATE BLOCK(S))				
<input type="checkbox"/> 212(a) (1)	<input type="checkbox"/> 212(a) (3)	<input type="checkbox"/> 212(a) (6)	<input type="checkbox"/> 212(a) (9)	<input type="checkbox"/> 212(n) (10)
<input type="checkbox"/> 212(a) (12)	<input type="checkbox"/> 212(a) (19)			
FOR THE FOLLOWING REASONS (List acts, convictions or physical or mental conditions) (If alien has active or suspected tuberculosis, the reverse of this page must be fully completed.)				

PRINCIPAL RELATIVE IN THE UNITED STATES THROUGH WHOM I CLAIM ELIGIBILITY FOR WAIVER

NAME	ADDRESS	RELATIONSHIP	IMMIGRATION STATUS
------	---------	--------------	--------------------

I ALSO HAVE THE FOLLOWING RELATIVES WHO ARE CITIZENS OR LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES:

NAME	ADDRESS	RELATIONSHIP	IMMIGRATION STATUS

I WAS PREVIOUSLY IN THE UNITED STATES AT:

STREET ADDRESS	CITY AND STATE	FROM (DATE)	TO (DATE)	IMMIGRATION STATUS

SIGNATURE OF APPLICANT OR OF PERSON SUBMITTING APPLICATION IN BEHALF OF APPLICANT

SIGNATURE	RELATIONSHIP, IF ANY TO APPLICANT	DATE

SIGNATURE OF PERSON PREPARING FORM IF OTHER THAN APPLICANT

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.		
SIGNATURE	ADDRESS	DATE

RECEIVED	TRANS. IN	RET'D-TRANS. OUT	COMPLETED

REQUEST FOR ASYLUM IN THE UNITED STATES

INS Office:
Date:

1. Family Name		First	Middle Name	2. A number (if any or known)	
All other names used at any time (include maiden name if married)				3. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Marital status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
I was born:		(Month)	(Day)	(Year)	in (Town or City) (State or Province) (Country)
Nationality — at birth		At present		Other nationalities	
5. If stateless, how did you become stateless?					
6. Ethnic group		7. Religion		8. Languages spoken	
9. Address in United States (In care of, C/O, if appropriate) (Number and street) (Apt. No.) (City or town) (State) (Zip Code)				10. Telephone number (include area code)	
11. Address abroad prior to coming in the United States (Number and street) (City) (Province) (Country)					
12. My last arrival in the U.S. occurred on: (Mo/Day/Yr)				As a <input type="checkbox"/> Visitor <input type="checkbox"/> Student <input type="checkbox"/> Seaway <input type="checkbox"/> Crewman <input type="checkbox"/> Other (Specify)	
At the port of (City/State)				Means of arrival (Name of vessel or airline and flight number, etc.)	
I <input type="checkbox"/> was <input type="checkbox"/> was not inspected				Date authorized stay expires (Mo/Day/Yr)	
13. My nonimmigrant visa number is _____ it was issued by the U.S. Consul on _____ (If none, state "none") (Mo/Day/Yr) at _____ (City, County)					
14. Name and location of schools attended		Type of school	From Mo/Yr	To Mo/Yr	Highest grade completed
					Title of degree or certification
15. What specific skills do you have?					16. Social Security No. (if any)
17. Name of husband or wife (wife's maiden name)					
18. My husband or wife resides <input type="checkbox"/> with me <input type="checkbox"/> apart from me (if apart, explain why)					
Address (Apt. No.)		(No. and street)	(Town or city)	(Province or state)	(Country)

RECEIVED	TRANS IN	WELD TRANS OUT	EXPIN LTD

FORM I-90, APPLICATION FOR ALIEN REGISTRATION CARD

U. S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No. 43-R0040

(SEE INSTRUCTIONS ON REVERSE)

Fee Stamp

**APPLICATION BY A LAWFUL PERMANENT RESIDENT FOR
AN ALIEN REGISTRATION RECEIPT CARD, FORM I-551**
(TYPE OR PRINT IN BLOCK LETTERS WITH BALLPOINT PEN)

1. Family Name (Capital Letters) First Middle		2. Alien Registration Number <div style="text-align: right;">A.</div>
3. Mailing address in U. S. c/o (Number & Street) (City) (State) (ZIP Code)		
4. Name used when I became a permanent resident: (If same as present, write "Same")		5. Country of citizenship
6. Date of Birth (Mo./Day/Yr.)	7. Place of birth (City or town)(Province or State) (Country)	8. My phone number is (Include Area Code)
9. Originally admitted to U.S. at (City and State)		10. Date of admission as Permanent Resident or adjusted to status as Permanent Resident (Mo./Day/Yr)
11. Destination in U.S. at time of original admission		12. My file is at the INS office in (City and State)
13. List the dates of all absences from the U. S. of 1 year or longer, since admission for permanent residence		
14. City of residence when I applied for an immigrant visa or adjustment to permanent residence status		
15. Consulate where my visa was issued (or INS office where I was adjusted to permanent residence status)		
16. Mother's First Name <input type="checkbox"/> Living <input type="checkbox"/> Deceased		17. Father's First Name <input type="checkbox"/> Living <input type="checkbox"/> Deceased
18. I NEED A CARD BECAUSE		
(A) <input type="checkbox"/> My alien registration receipt card was lost, destroyed, or mutilated. (Attach remainder of card) (FEE REQUIRED, SEE INSTRUCTION 3.) Explain how card was lost, destroyed, or mutilated.		
(B) <input type="checkbox"/> My name has been changed. (Attach the decree of the court or the marriage certificate and old card.) (FEE REQUIRED, SEE INSTRUCTION 3)		
(C) <input type="checkbox"/> I am required to be registered and fingerprinted after my 14th birthday. (Attach old Card.) (You MUST use the fingerprint card Form FD-258 which you can get from any United States Consular or Immigration and Naturalization Service office.)		
(D) <input type="checkbox"/> I am an alien commuter taking up actual permanent residence in the U. S. (Attach old card.)		
(E) <input type="checkbox"/> I received an incorrect card. (Attach old card.)		
(F) <input type="checkbox"/> I never received my card.		
(G) <input type="checkbox"/> OTHER (Explain)		
19. Signature and date of person preparing the form if other than applicant		20. Signature of applicant and date

DO NOT WRITE BELOW THIS LINE

ACTION BLOCK (For use by Immigration or Consular officer)

This applicant was interviewed by me under oath on _____ (Date)
at _____ (City)

REMARKS:

☐ GRANTED ☐ DENIED

DATE OF ACTION
CO
DISTRICT

(Signature of Immigration Officer)

(Signature and Title)

- ☐ Fingerprint card forwarded to the FBI to comply with Section 262 b _____ (Initials and Date)
- ☐ I-89 to Immigration Card Facility _____ (Date)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization ServiceForm Approved
OMB No. 43-R-0498APPLICATION BY NONIMMIGRANT ALIEN
FOR REPLACEMENT OF ARRIVAL DOCUMENT

(READ INSTRUCTIONS ON REVERSE)

Fee Stamp

I, hereby apply for: (Check the appropriate box below to indicate the purpose of your application.)

- A ☐ REPLACEMENT OF LOST, MUTILATED, OR DESTROYED ARRIVAL-DEPARTURE RECORD (FORM I-94)
 B ☐ REPLACEMENT OF LOST, MUTILATED, OR DESTROYED CREWMAN'S LANDING PERMIT (FORM I-95)
 C ☐ REPLACEMENT OF INCORRECT ARRIVAL-DEPARTURE RECORD (FORM I-94) OR CREWMAN'S LANDING PERMIT (FORM I-95)

2. YOUR NAME	FAMILY NAME (Capital Letters)	FIRST	MIDDLE		4. Country of Citizenship
3. MAILING ADDRESS IN U. S.	Number and Street (Apt. No.)				5. Passport or Alien Registration Number (If Any)
	City	State	ZIP Code		
6. Means of Last Arrival in the U. S. (Name of Vessel, or Airline & Flight No., etc.)				7. Place (City) where transportation was boarded	
8. Address Outside the United States (Number) (Street) (City) (Province or State) (Country)					
9. Date of Birth (Month)(Day)(Year)		10. Country of Birth		11. Place Visa Issued (City) (Country)	
12. Date Visa Issued (Month)(Day)(Year)		13. Last Admitted to U.S. at (City) (State)		14. Date Last Admitted to U.S. (Month)(Day)(Year)	
15. Name Used When Last Admitted to the U. S. (If same as item "2", write "Same")					
16. Status at Time of Admission <input type="checkbox"/> Crewman <input type="checkbox"/> Other (Specify)				17. Date to Which Stay Has Been Authorized (Month)(Day)(Year)	

FILL IN THIS BLOCK IF YOU ARE APPLYING FOR REPLACEMENT OF YOUR ARRIVAL-DEPARTURE RECORD OR CREWMAN'S LANDING PERMIT

18. My Arrival-Departure Record or Crewman's Landing Permit became ☐ lost ☐ mutilated ☐ destroyed
 on or about _____ at _____ under the following circumstances _____
 (Date) (Place)

If my document is recovered or I ascertain its whereabouts, I will surrender it or report the facts to the Immigration and Naturalization Service.

SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT		SIGNATURE OF APPLICANT	
19. I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.		20. I certify that the above statements are true and correct to best of my knowledge and belief.	
Signature:		Complete signature of applicant:	
Address		Date signed:	
Date			

RECEIVED	TRANS. IN	RET'D-TRANS. OUT	COMPLETED

FORM I-134, AFFIDAVIT OF SUPPORT

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form approved
OMB No. 43-R123

AFFIDAVIT OF SUPPORT

(ANSWER ALL ITEMS; FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

1. Surinder Singh, residing at 3058 Van Dorn
(Name)
Alexandria Virginia 22150 USA
(City) (State) (ZIP Code if in U.S.) (Country)

BEING DULY SWORN DEPOSE AND SAY:

1. I was born on March 3, 1925 at New Delhi, India
(Date) (City) (Country)

If you are not a native born United States citizen, answer the following as appropriate:

- a. If a United States citizen through naturalization, give certificate of naturalization number #55430
- b. If a United States citizen through parent(s) or marriage, give citizenship certificate number _____
- c. If United States citizenship was derived by some other method, attach a statement of explanation.
- d. If a lawfully admitted permanent resident of the United States, give 'A' number _____

2. That I am 56 years of age and have resided in the United States since (date) December 12, 1968

3. That this affidavit is executed in behalf of the following person:

<u>Elizabeth S. Singh</u>	<u>Female</u>	<u>54</u>
<small>(Name)</small>	<small>(Sex)</small>	<small>(Age)</small>
<u>India</u>	<u>Married</u>	<u>Wife</u>
<small>(Citizen of — Country)</small>	<small>(Marital Status)</small>	<small>(Relationship to Deponent)</small>
<u>3058 Van Dorn</u>	<u>Alexandria</u>	<u>Virginia</u> <u>USA</u>
<small>(Presently resides at — Street and Number)</small>	<small>(City)</small>	<small>(State) (Country)</small>

4. That this affidavit is made by me for the purpose of assuring the United States Government that the person named in item 3 will not become a public charge in the United States.

5. That I am willing and able to receive, maintain and support the person named in item 3. That I am ready and willing to deposit a bond, if necessary, to guarantee that such person will not become a public charge during his or her stay in the United States, or to guarantee that the above named will maintain his or her nonimmigrant status if admitted temporarily and will depart prior to the expiration of his or her authorized stay in the United States.

6. That I understand this affidavit will be binding upon me for a period of three (3) years after entry of the person named in item 3 and that the information and documentation provided by me may be made available to the Secretary of Health and Human Services.

7. That I am employed as, or engaged in the business of Import/Export with self-employed
(Type of business) (Name of concern)
 at Arlington VA 22151
(Street and Number) (City) (State) (ZIP Code)

I derive an annual income of (if self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instruction for nature of evidence of net worth to be submitted.) \$ 50,000

I have on deposit in savings banks in the United States \$100,000

I have other personal property, the reasonable value of which is \$ 55,000

I have stocks and bonds with the following market value, as indicated on the attached list which I certify to be true and correct to the best of my knowledge and belief. \$

I have life insurance in the sum of \$ 25,000
 With a cash surrender value of \$

I own real estate valued at \$120,000

With mortgages or other encumbrances thereon amounting to \$ 50,000

Which is located at 3058 Van Dorn Alexandria VA 22150
(Street and number) (City) (State) (ZIP Code)

FORM I-134, AFFIDAVIT OF SUPPORT

8. That the following persons are dependent upon me for support: (Place a check ☒ in the appropriate column to indicate whether the person named is wholly or partially dependent upon you for support.)

NAME OF PERSON	WHOLLY DEPENDENT	PARTIALLY DEPENDENT	AGE	RELATIONSHIP TO ME
Mohinder	<input checked="" type="checkbox"/>		20	Son
Elizabeth S.	<input checked="" type="checkbox"/>		54	Wife

9. That I have previously submitted affidavit(s) of support for the following person(s). If none, state none.

Name

Date submitted

10. That I have submitted visa petition(s) to the Immigration and Naturalization Service on behalf of the following person(s). If none, state none.

Name

Relationship

Date submitted

Mohinder Son September 6, 1981
Elizabeth S. Wife September 6, 1981

11. (Complete this block only if the person named in item 3 will be in the United States temporarily.)
That I ☐ do intend ☐ do not intend, to make specific contributions to the support of the person named in item 3. (If you check "do intend", indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in United States dollars and state whether it is to be given in a lump sum, weekly, or monthly, and for how long.)

OATH OR AFFIRMATION OF DEPONENT

I swear (affirm) that I know the contents of this affidavit signed by me and the statements are true and correct.

Signature of deponent Lavinder Singh

Subscribed and sworn to (affirmed) before me this ninth day of September, 19 81

at Alexandria, Va. My commission expires on Dec. 31, 1982

Signature of Officer Administering Oath Catherine R. Allen Title Notary Public

If affidavit prepared by other than deponent, please complete the following:

I declare that this document was prepared by me at the request of the deponent and is based on all information of which I have any knowledge.

(Signature)

(Address)

(Date)

Form I-539, APPLICATION TO EXTEND TIME OF TEMPORARY STAY

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

READ INSTRUCTIONS CAREFULLY
FEE WILL NOT BE REFUNDED

Form Approved
OMB 15-10008

APPLICATION TO EXTEND TIME OF TEMPORARY STAY				FEE STAMP	
I HEREBY APPLY TO EXTEND MY TEMPORARY STAY IN THE UNITED STATES					
PRESS FIRMLY—LEGIBLE COPY REQUIRED. PRINT OR TYPE YOUR NAME EXACTLY AS IT APPEARS ON YOUR ARRIVAL—DEPARTURE RECORD FORM I-94. IF YOUR MAILING ADDRESS IN THE U.S. IS WITH SOMEONE WHOSE FAMILY NAME IS DIFFERENT FROM YOURS, INSERT THAT PERSON'S NAME IN THE C/O BLOCK.					
1. YOUR NAME FAMILY NAME (CAPITAL LETTERS) FIRST MIDDLE IN CARE OF C/O				7. REASON FOR REQUESTING EXTENSION	
2. MAILING ADDRESS IN U.S. NUMBER AND STREET (APT. NO.) FILE NUMBER CITY STATE ZIP CODE					
3. DATE OF BIRTH (MO./DAY/YR.) COUNTRY OF BIRTH COUNTRY OF CITIZENSHIP					
4. PRESENT NONIMMIGRANT CLASSIFICATION DATE ON WHICH AUTHORIZED STAY EXPIRES				8. REASON FOR COMING TO THE U.S.	
5. DATE AND PORT OF LAST ARRIVAL IN U.S. NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.					
FOR GOVERNMENT USE ONLY <input type="checkbox"/> EXTENSION GRANTED TO (DATE) DATE OF ACTION <input type="checkbox"/> EXTENSION DENIED V D TO (DATE) DO OR C/O OFFICE					
10. HAVE YOU EVER APPLIED FOR AN IMMIGRANT VISA OR PERMANENT RESIDENCE IN THE U.S.? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "YES", WHERE DID YOU APPLY?					
11. I INTEND TO DEPART FROM THE U.S. ON (DATE) I AM IN POSSESSION OF A TRANSPORTATION TICKET FOR MY DEPARTURE <input type="checkbox"/> YES <input type="checkbox"/> NO					
12. PASSPORT NO. EXPIRES ON (DATE) ISSUED BY (COUNTRY)		13. NUMBER, STREET, CITY, PROVINCE (STATE) AND COUNTRY OF PERMANENT RESIDENCE			
14. MY USUAL OCCUPATION IS					15. SOCIAL SECURITY NO. (IF NONE STATE "NONE")
16. I (AM / AM NOT) MARRIED. IF YOU WISH TO APPLY FOR EXTENSION FOR YOUR SPOUSE & CHILDREN, GIVE THE FOLLOWING. (SEE INSTRUCTIONS #1)					
NAME OF SPOUSE AND CHILDREN		DATE OF BIRTH	COUNTRY OF BIRTH	PASSPORT IS SUE D BY (COUNTRY) AND EXPIRES ON (DATE)	
NOTE IF SPOUSE AND CHILDREN FOR WHOM YOU ARE SEEKING EXTENSION DO NOT RESIDE WITH YOU, GIVE THEIR COMPLETE ADDRESS ON A SEPARATE ATTACHMENT TO THIS APPLICATION.					
17. (INSERT) HAVE OR HAVE NOT BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES. (IF YOU HAVE BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES, COMPLETE THE REST OF THE BLOCK.)					
NAME AND ADDRESS OF EMPLOYER OR BUSINESS			INCOME PER WEEK		DATES EMPLOYMENT OR BUSINESS BEGAN & ENDED
I certify that the above is true and correct. _____ DATE					
SIGNATURE OF APPLICANT					
SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT					
I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.					
SIGNATURE		ADDRESS		DATE	

ATTACH YOUR FORM I-94 OR I-144 —DO NOT SEND YOUR PASSPORT

RECEIVED	TRANS IN	RET'D TRANS OUT	COMPLETED

Immigration and Naturalization Service

Please read instructions on PAGE 4

PAGE 1

This page must be completed and signed in the U.S. by an authorized school official.

Name of Student—Family Name (Capital Letters)		Given Name	Middle Name
Date of Birth (Mo., day, year)	Country of Birth	Country of Nationality	
Name of School			
School Official to be notified of student's arrival in U.S. (Name and Title)			
Address of School (Include Zip Code)			

0170001

B

Visa Issuing Post

For Immigration Official

1. This certificate is issued to the student named above for (check and fill out as appropriate):

- ☐ Initial attendance at this school.
- ☐ Continued attendance at this school after a temporary absence from the United States, or
- ☐ Use by spouse and/or children in acquiring nonimmigrant F-2 classification.
- The student's dependent stay, as it appears on his/her Form I-94, expires on (date): _____
- ☐ Other (specify): _____

2. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of _____

The student is expected to report to the school not later than (date) _____, and complete studies not later than (date) _____.

3. Proficiency in the English language ☐ is ☐ is not required (check and fill out as appropriate):

- ☐ The school has determined that the student has the required proficiency.
- ☐ If the student is not yet proficient, he or she will be given instruction consisting of _____
- ☐ English IS NOT a requirement (explain): _____

4. This school estimates the student's average MONTHLY costs to be the following:

Tuition and fees	\$ _____	
Living expenses	\$ _____	
Expenses of dependent(s):	\$ _____	
Other (specify):	\$ _____	TOTAL \$ _____

5. This school has information showing the following as the student's means of support, estimated on a MONTHLY basis:

Personal funds of the student:	\$ _____	
Family funds from abroad:	\$ _____	
Funds from this school		
(Specify type):	\$ _____	
Funds from another source		
(Specify type/source):	\$ _____	
On-campus employment, if applicable:	\$ _____	TOTAL \$ _____

6. Remarks (complete as appropriate):

7. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blank):

Under the name of (School/School District) _____

Approval was granted on (date) _____ and the school was given the file number of _____.

I CERTIFY under penalty of law that:

All information provided above was completed before I signed this form, and is true and correct to the best of my knowledge;

The school has determined that the above-named student's qualifications meet all standards for admission to the school;

The student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(1a); and

I am a designated official of the above named school and I am authorized to issue this form.

Signature of School Official

Title

Date Issued

Place Issued (city and state)

FORM I-538, APPLICATION BY NONIMMIGRANT STUDENT

Form Approved
OMB No. 43-RO417

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

APPLICATION BY NONIMMIGRANT STUDENT (F-1) FOR EXTENSION OF STAY, SCHOOL TRANSFER, PERMISSION TO ACCEPT OR CONTINUE EMPLOYMENT, OR PRACTICAL TRAINING

PART I - TO BE FILLED IN BY ALL APPLICANTS

I AM APPLYING FOR (CHECK AND COMPLETE AS APPROPRIATE)

- ☐ EXTENSION OF TEMPORARY STAY UNTIL (SPECIFY DATE) _____
- ☐ PERMISSION TO TRANSFER TO ANOTHER SCHOOL
- ☐ PERMISSION TO ACCEPT OR CONTINUE PRACTICAL TRAINING
- ☐ PERMISSION TO ACCEPT EMPLOYMENT OR TO CONTINUE PREVIOUSLY AUTHORIZED EMPLOYMENT

PRESS FIRMLY - LOOSELY COPY REQUIRED. PRINT OR TYPE YOUR NAME EXACTLY AS IT APPEARS ON YOUR ARRIVAL DEPARTURE RECORD FORM I-94. IF YOUR MAILING ADDRESS IN THE U.S. IS WITH SOMEONE WHOSE FAMILY NAME IS DIFFERENT FROM YOURS, INSERT THAT PERSON'S NAME IN THE C/D BLOCK.

1. MY NAME IS	FAMILY NAME (Capital Letters)		FIRST	MIDDLE	6. DATE OF INTENDED DEPARTURE FROM U.S.
IN CARE OF	C/O		FILE NUMBER (If Known)		7. SOCIAL SECURITY NUMBER (If Known)
2. MAILING ADDRESS IN U.S.	NUMBER AND STREET (Apt. No.)		CITY		8. TELEPHONE NUMBER (Include Area Code)
	STATE		ZIP CODE		9. Has an immigrant visa petition ever been filed in your behalf?
3. DATE OF BIRTH (Month, Day, Year)	COUNTRY OF BIRTH		COUNTRY OF CITIZENSHIP		<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", where was it filed?
4. DATE AND PORT OF LAST ARRIVAL IN UNITED STATES	DATE ON WHICH AUTHORIZED STAY EXPIRES		10. Have you ever applied for an immigrant visa or permanent residence in the U.S.?		
THIS SECTION FOR GOVERNMENT USE ONLY DATE OF ACTION DD OR DDG OFFICE IF TRANSFER GRANTED SHOW NEW SCHOOL, CITY, STATE.			11. Have you been arrested or convicted of a criminal offense since entering the U.S.?		
			<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", where did you apply? If "Yes" explain in detail.		

☐ EXTENSION GRANTED TO (Date)

☐ EXTENSION DENIED V.D. TO (Date)

EMPLOYMENT ☐ GRANTED ☐ DENIED
PRACTICAL TRAINING

☐ GRANTED ☐ DENIED

TRANSFER ☐ GRANTED ☐ DENIED

12. Number, Street, City, Province (State) and Country of Permanent Residence

13. ☐ AM ☐ AM NOT married. If married and you wish to apply for extension for your F-2 spouse and children, give the following: (See Instruction #1)

NAMES OF SPOUSE AND CHILDREN	DATE OF BIRTH	COUNTRY OF BIRTH	PASSPORT ISSUED BY (Country) AND EXPIRES ON (Date)

NOTE: If spouse and children for whom you are seeking extension do not reside with you, give their complete address on a separate attachment to this application.

14. (Insert "Have" or "Have Not")

I _____ BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES. IF YOU

HAVE BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES, COMPLETE THE REST OF THE BLOCK.

NAME AND ADDRESS OF EMPLOYER OR BUSINESS

KIND OF EMPLOYMENT OR BUSINESS INCOME PER WEEK DATES SUCH EMPLOYMENT OR BUSINESS BEGAN AND ENDED

15. MEANS AND SOURCE OF SUPPORT WHILE IN THE UNITED STATES

16. (COMPLETE THIS ITEM ONLY IF YOU ARE APPLYING FOR A SCHOOL TRANSFER)

☐ Have ☐ Have not been a full-time student at the school which I was last authorized by the Immigration and Naturalization Service to attend (If you checked "Have not" state the reasons fully)

I am requesting this transfer because:

FORM I-506, APPLICATION FOR CHANGE OF NONIMMIGRANT STATUS

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Form Approved
OMB No. 43-R0342

Fee Stamp

APPLICATION FOR CHANGE OF NONIMMIGRANT STATUS

(Under Section 248 of the Immigration and Nationality Act)

→ Please read the instructions on the first page

I hereby apply to have my status in the United States changed to that of a nonimmigrant _____ (Student, visitor, etc.)

I wish to remain in the United States in that new status until _____ (Month, Day, Year)

This application is submitted together with the required documents which are made a part hereof and, if applicable, the fee of \$10.

PLEASE PRINT—LEGIBLE COPY REQUIRED. PRINT OR TYPE YOUR NAME EXACTLY AS IT APPEARS ON YOUR ARRIVAL DEPARTURE RECORD/FORM I-94. IF YOUR MAILING ADDRESS IN THE U.S. IS WITH SOMEONE WHOSE FAMILY NAME IS DIFFERENT FROM YOURS, INSERT THAT PERSON'S NAME IN THE CIO BLOCK.

1. YOUR NAME		FAMILY NAME (Last) Given Middle		6. I AM IN POSSESSION OF PASSPORT	
IN CARE OF		C/O		NUMBER: *	
MAILING ADDRESS IN U.S.		FILE NUMBER (If Known)		ISSUED BY (Country)	
NUMBER AND STREET (Appt. No.)				WHICH EXPIRES ON: (Month, Day, Year)	
CITY		STATE			
ZIP CODE					
3. DATE OF BIRTH (Month, Day, Year)		COUNTRY OF BIRTH		7. MY I-94 IS ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO	
		COUNTRY OF CITIZENSHIP		If "No", it was <input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Destroyed	
4. PRESENT NONIMMIGRANT CLASSIFICATION		DATE ON WHICH AUTHORIZED STAY EXPIRES		<input type="checkbox"/> Other (Specify)	
5. DATE AND PORT OF LAST ARRIVAL IN UNITED STATES		NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL IN U.S.		8. I ENTERED WITH NONIMMIGRANT VISA NO.	
				9. MY NONIMMIGRANT STATUS IN THE UNITED STATES <input type="checkbox"/> HAS <input type="checkbox"/> HAS NOT BEEN CHANGED SINCE MY ENTRY (If changed, give details)	
Reclassification FOR GOVERNMENT USE ONLY to <input type="checkbox"/> STAY GRANTED TO (Date) <input type="checkbox"/> Application DENIED, V.D. TO (Date) DATE OF ACTION DO OR SIC OFFICE					
10. MY PERMANENT ADDRESS OUTSIDE THE UNITED STATES IS: (Street) (City or Town) (County, District, Province or State) (Country)					
11. I RESIDED AT THE ADDRESS IN ITEM 10 FROM: (Month, Day, Year) TO: (Month, Day, Year)					
12. SINCE MY ENTRY INTO THE UNITED STATES, I HAVE RESIDED AT THE FOLLOWING PLACES:					
(Street and No.) (City or Town) (State)		FROM: (Month, Day, Year)		TO: (Month, Day, Year)	
				Present Time	
13. I DESIRE TO HAVE MY NONIMMIGRANT STATUS CHANGED FOR THE FOLLOWING REASONS:					
14. I DID NOT APPLY TO THE AMERICAN CONSUL FOR A VISA IN THE NONIMMIGRANT STATUS WHICH I AM NOW SEEKING FOR THE FOLLOWING REASONS:					
15. I SUBMIT THE FOLLOWING DOCUMENTARY EVIDENCE TO ESTABLISH THAT I WILL MAINTAIN THE NONIMMIGRANT CLASSIFICATION TO WHICH I WISH TO BE CHANGED:					

ATTACH YOUR FORM I-94. *DO NOT SEND YOUR PASSPORT

RECEIVED	TRANS. IN	REF. TRANS. OUT	COMPLETED

**FORM G-641, APPLICATION FOR VERIFICATION OF
INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE RECORDS**

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form approved
OMB No. 1115-0088

Fee Stamp

**APPLICATION FOR
VERIFICATION OF INFORMATION FROM
IMMIGRATION AND NATURALIZATION SERVICE
RECORDS**

TYPE OR PRINT THE NAME AND MAILING ADDRESS OF THE PERSONS TO WHOM
INFORMATION OR COPIES OF RECORD SHOULD BE RETURNED IN THE BOX BELOW:

NAME	
STREET ADDRESS	
CITY, STATE ZIP CODE	

PERSON CONSENTING
NAME AND ADDRESS

SIGNATURE OF PERSON CONSENTING

1. CHECK TYPE OF VERIFICATION REQUESTED:

- ☐ LAWFUL ADMISSION FOR PERMANENT RESIDENCE
☐ AGE OR DATE OF BIRTH
☐ NATURALIZATION OR CITIZENSHIP
☐ GENEALOGICAL INFORMATION (See instructions B6 and 7.)
☐ OTHER (CERTIFICATE OF BIRTH DATA, ETC.)

2. STATE PURPOSE FOR WHICH DESIRED

**3. NUMBER OF COPIES
DESIRED, IF ANY:**

2A. NAMES OF BENEFICIARIES

**4. IF INFORMATION IS FOR
SOCIAL SECURITY
BENEFITS, SHOW SOCIAL
SECURITY NUMBER:**

DATA FOR IDENTIFICATION OF THE RECORD TO BE VERIFIED

5. FAMILY NAME		GIVEN NAME		MIDDLE NAME		6. ALIEN REGISTRATION NUMBER	
7. OTHER NAMES USED, IF ANY				8. NAME USED AT TIME OF ENTRY INTO UNITED STATES			
9. PLACE OF BIRTH		10. DATE OF BIRTH		11. PORT ABROAD FROM WHICH LEFT FOR UNITED STATES			
12. PORT OF ENTRY INTO UNITED STATES		13. DATE OF ENTRY		14. NAME OF VESSEL OR OTHER MEANS OF ENTRY			

GIVE THE FOLLOWING INFORMATION FOR VERIFICATION OF NATURALIZATION OR CERTIFICATE OF CITIZENSHIP

15. NAME ON CERTIFICATE		16. CERTIFICATE NUMBER		17. DATE ISSUED	
18. ADDRESS WHEN CERTIFICATE WAS ISSUED				19. NAME AND LOCATION OF NATURALIZATION COURT OR IMMIGRATION OFFICE ISSUING CERTIFICATE OF CITIZENSHIP	

20. SIGNATURE OF APPLICANT

**DO NOT COMPLETE THIS BLOCK —
RESERVED FOR GOVERNMENT USE ONLY**

DATE

THE RECORDS OF THE IMMIGRATION AND NATURALIZATION SERVICE REFLECT THE FOLLOWING
VERIFICATION OF INFORMATION REQUESTED WAS MADE ON THIS DATE SHOWN AT RIGHT

- ☐ LAWFUL ADMISSION FOR PERMANENT RESIDENCE ON _____ AT _____ CLASS _____
☐ NATURALIZATION INFORMATION AS SHOWN ABOVE IS CORRECT
☐ NATURALIZATION IN (COURT) _____ ON (DATE) _____
 AT (LOCATION) _____
☐ DATE OF BIRTH _____
☐ ARRIVAL RECORD DATED _____ SHOWED SUBJECT'S AGE AT TIME TO BE _____
☐ UNABLE TO IDENTIFY ANY RECORD
☐ COPIES ATTACHED AS REQUESTED

SIGNATURE

TITLE

Approved By:

DATE

PRIVACY ACT IDENTIFICATION (WHEN REQUIRED)	<input type="checkbox"/> IDENTITY ESTABLISHED IN PERSON DOCUMENTS ATTACHED	<input type="checkbox"/> G-652 Affidavit <input type="checkbox"/> OTHER (List)
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UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICEForm approved.
OMB No. 43-R0324

File No. A

FEE STAMP

APPLICATION FOR SUSPENSION OF
DEPORTATION

(Under Section 244 of the Immigration and Nationality Act)

(PLEASE READ ADVICE AND INSTRUCTIONS BEFORE FILLING IN
FORM)

- (1) I, the undersigned, hereby request that my deportation be suspended under the provisions of section 244 of the Immigration and Nationality Act. I believe that I am eligible for suspension of deportation because such deportation would result in extreme hardship to myself and/or to my

(Husband, wife, father, mother, child, children)
who is/are ☐ citizen(s) ☐ lawful permanent resident(s) of the United States; and I have been physically present in the United States without any absence since _____

(2a) My present true name is: (First, Middle, Last)				(2b) My name given at birth was:			
(3) I have been known by the additional names:		My sex is	(Height)	(Color of eyes)	(Color of hair)	(Complexion)	
(4) I was born at (Place and country)		on (Month) (Day) (Year)		My nationality is (Country of which citizen or subject)			
(5) I now reside at (Apt. number and/or in care of)		(Number and street)		(City or town)	(State)	(ZIP Code)	

(6) I first entered the United States under the name of (First) (Middle) (Last)		on (Month) (Day) (Year)		At (seaport, airport, or land border port)	
Name of vessel or other means of conveyance		I was admitted as a (Insert visitor, crewman, transient, student, permanent resident, or other)			
For a period of time to expire (Insert date of period for which admitted)		My last extension of stay in the United States expired on (date)			
If not inspected or if entry occurred at other than a regular port, describe the circumstances as accurately as possible					
Since the date of my first entry I departed from and returned to the United States at the following places and on the following dates: (If you have never departed from the United States since your original date of entry, insert "no departures.")					

DEPARTED		RETURNED		INSPECTED AND ADMITTED (Answer Yes or No)
PORT	DATE (Month-Day-Year)	PORT	DATE (Month-Day-Year)	

- (7) During the last 10 years, I have been in the United States as listed below: (If less than 10 years, set forth the information for the period you have been in the United States.) List present address FIRST, and work back.

STREET AND NUMBER - CITY OR TOWN - STATE (Include number of hotel room, furnished room or apartment in present address.)	FROM -		TO -	
	Month	Year	Month	Year

(Use a separate sheet for additional entries.)

NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS

SUBMIT IN TRIPLICATE TO:

IMMIGRATION AND NATURALIZATION SERVICE

Fee Stamp

In the Matter of:

File No.

1. I hereby appeal to the Board of Immigration Appeals from the decision, dated _____, in the above entitled case.
2. Briefly, state reasons for this appeal.

3. I _____ desire oral argument before the Board of Immigration Appeals in
(do) (do not)
Washington, D. C.
4. I _____ filing a separate written brief or statement.
(am) (am not)

Signature of Appellant (or attorney or representative)

(Print or type name)

Date

Address (Number, Street, City, State, Zip Code)

FORM G-28, NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re:	DATE
	FILE No.

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	<input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code)		
NAME	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	<input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code)		

Check Applicable Item(s) below:

<input type="checkbox"/> 1	I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia _____ (Name of Court) and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
<input type="checkbox"/> 2	I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
<input type="checkbox"/> 3	I am associated with _____, the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
<input type="checkbox"/> 4	Others (Explain fully.)
SIGNATURE	COMPLETE ADDRESS
NAME (Type or Print)	TELEPHONE NUMBER

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING	SIGNATURE OF PERSON CONSENTING	DATE
---------------------------	--------------------------------	------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

PHASE II

Immigrant Visa
Processing Abroad

IMMIGRANT VISA PROCESSING ABROAD

As indicated in the chapter on adjustment of status, four conditions must be met in order for an alien in the United States to qualify for lawful permanent residence under Section 245 of the I&NA.

For the purpose of review, those conditions are as follows:

1. The alien must have been inspected and admitted or paroled into the United States on his or her last entry by an immigration officer at the United States port of entry.
2. The alien must be an immediate relative, qualify for one of the preferences or be classified as a refugee.
3. To file for adjustment, a visa number must be available to the alien.
4. The alien must not have accepted or continued in unauthorized employment in the United States after January 1, 1977.

Remember, however, that if the alien is an immediate relative, he or she must meet only the first two conditions. Visa numbers are always available to immediate relatives, who are also exempted from the work authorization prohibition.

Experience has shown that many aliens enter the United States as "EWI's" -- entry without inspection -- and therefore do not qualify for adjustment of status. This also applies to aliens in transit, those with "C" nonimmigrant visas, and to aliens who enter as crewmen.

With the above information reviewed, this section explains in detail what happens to the I-130 Relative Visa Petition when it is sent to an American Consulate abroad for final adjudication.

Once the Service approves the I-130 petition, a notice of approval is sent to the petitioner on Form I-171, indicating the address of the consular office abroad to which the petition has been forwarded. Also included on Form I-171 are the beneficiary's priority date and immigrant classification. In most countries, the American embassy is the only office that processes immigrant visas. In some countries, however, American consulates also perform this task. In almost every case, the applicant will be required to apply for a visa at the consular office having jurisdiction over his or her present residence abroad, or if the alien is in the United States, the last place of residence abroad.

Upon receipt of the petition, the consular office will make a record of the application, and a priority date will be assigned to the alien applicant named in the petition. The priority date is the date the petition is filed with INS or before a consular officer abroad. At this step in the visa procedure, the American consulate will send the alien one of a series of form letters, questionnaires or information sheets, known as "packets." The use of the packet system is basic and provides the applicant and the consulate with important information. Initial packets are sent to the applicant at his or her address as shown on the I-130.

It is, therefore, imperative that the consular officer be informed at all times of any changes in the applicant's address. It is also important that the consular officer be notified of any changes in the applicant's marital or family status. Let us now discuss which of these packets is sent and what they contain. (Samples of each packet may be found at the end of this section.)

A. PACKET 3A: This packet of instructions is sent to applicants subject to the numerical limitation, and for whom visa numbers are not currently available. The packet consists of Form OF-169A (formerly DSL-869A) which contains the applicant's name, priority date, foreign state chargeability, and preference category. More importantly, it tells the applicant that visa numbers are available only for persons in the preference category listed who have priority dates before the date indicated. In these cases, the applicant is to take no further action until Packet 3, described below, has been received.

B. PACKET 3: This packet of instructions is sent to immediate relatives of United States citizens who are not subject to the numerical limitation, and to preference and nonpreference applicants for whom visa numbers are currently available. The packet contains two basic forms which must be read carefully and completed accurately by the applicant. Failure to follow the instructions given in this packet will, without question, result in long delays in obtaining an appointment to apply for a visa, or worse, failure to obtain a visa at the time of appointment. These crucial forms are as follows:

1. OF-169 (formerly DSL-869) — This form lists the personal documents required in support of an application for an immigrant visa. Each applicant must check off the documents listed as they are obtained. When all appropriate documents are in the applicant's possession, the form must be signed and forwarded to the appropriate consular office abroad along with supplemental Form OF-169A (formerly DSL-869A). Supplemental form OF-169A asks for the complete names and dates and places of birth of all the applicant's non-United States citizen children who are under 21 years of age and single, and who will not be applying for immigrant visas. Certified copies of birth certificates for these children must be presented for review at the time of interview so that the consular office may verify the relationships stated thereon and return them to the applicant. Applicants should not forward their personal documents. The documents should be retained by the applicant for presentation at the time of the interview.

2. OF-179 (formerly DSP-70) — This form asks for biographic information about the applicant and must be completed and returned immediately to the consular office. Great care must be taken in completing items numbered 15, 16, 17, and 18, which ask for data concerning children, spouse(s)

carefully read and, if appropriate, presented at the time of interview with the consular officer. They are as follows:

3. OF-167 (formerly DSL-845) -- This form provides information and suggestions concerning the types of evidence that the applicant needs to present in order to show that he/she is not likely to become a public charge if admitted to the United States as a lawful permanent resident.
4. DS-1743 -- This form may be used to provide information concerning the applicant's prearranged job offer in the United States, or details about the employment the applicant may currently have in the United States. Whatever form is used in conjunction with a job offer must be notarized. If the prospective or current employer wishes, the form may be accompanied by a reiteration of the job offer on company stationery, as well as a copy of the firm's latest income tax report and/or IRS-941 Quarterly Report, a letter from the company's bank, or any other evidence the employer feels will further verify the existence of the job and establish that the firm is able and willing to pay the wages offered.
5. OF-230 (formerly FS-510) -- This is the Application for Immigrant Visa and Alien Registration which is to be filled out (but not signed) and presented at the time of appointment for an interview with a consular officer. This form is normally forwarded with Packet 4, which is discussed below. Information provided by the applicant on this form will be reviewed carefully by the consular officer. The form asks detailed questions concerning biographical data about the intending applicant and his or her family and, among other items, whether the applicant is subject to the various grounds of exclusion from admission to the United States. Great care should be taken by the applicant to assure that the information contained therein is complete and accurate, because he or she will be asked to sign the form under oath and swear to or affirm the truthfulness of the contents.

Let us discuss in some detail the personal documents listed in Packet 3, as well as what additional processing will be done by the consular office as a result of the applicant's responses to questions on the forms included in that packet.

DOCUMENTS REQUIRED OF ALL APPLICANTS

1. Birth certificates of each applicant. The original and one copy from the Civil Registry in the country of birth. An original birth certificate must also be presented for each non-United States citizen child under twenty-one (21) years of age, even if the child is not applying for a visa at the same time as the parent(s).
2. Marriage certificate, if applicable. Original and one copy.
3. Proof of termination of any previous marriages, if applicable. Original and one copy of the divorce or death certificate, as appropriate.
4. Adoption decrees, if applicable. Original and one copy.
5. Four color photographs. For each applicant.
6. Police certificates. Every applicant over sixteen (16) years of age must present a police certificate in duplicate from every place he or she may have lived for periods of six months or more after their 16th birthday. (For police certificates from the United States, see the section on Administrative Processing in this section.)
7. Prison and court records, if applicable. Original and one copy.
8. Military record, if applicable. Original and one copy.
9. A valid passport or travel document. This is required of all applicants. Most countries require their citizens to obtain a travel document before going abroad. The travel document is usually a passport issued by the central or federal government in the alien's home country. In order to obtain the passport or travel document, however, the home country may require each applicant to obtain various supporting documents, such as military records, birth certificates, photographs, etc. These passport requirements vary from country to country. If the applicant is in his or her home country, he or she should check with the appropriate government office about this matter. For example, a Mexican in Mexico would go to the nearest Ministry of Foreign Affairs passport office to apply for a passport. If, however, the alien is outside his or her home country, he or she should visit the country's appropriate embassy or consulate in that foreign state. For instance, a Mexican national in Los Angeles, California, would submit a passport application to the Mexican consulate general in that city.

Remember, applicants should not notify the consular office that they are documentarily qualified until they actually have all their required documents.

C. **PACKET 4:** Once the applicant has gathered all necessary documents, according to the instructions contained in Packet 3, he or she should inform the consular office by signing and returning Form OF-169. If the applicant is an immediate relative of a United States citizen, or one for whom a visa number has been obtained, and all administrative processing required by the consulate has been completed up to this point, Packet 4 will be forwarded to the applicant. This packet contains the following forms and information:

1. OF-171 (formerly DSL-871) -- This form gives the applicant's date of appointment to apply for a visa at a consular office abroad and reminds the applicant to present on that date all personal documents required in Packet 3.
2. Attached to the OF-171 are instructions stating where and when each visa applicant, regardless of age, must undergo a medical examination. An appointment date for the medical exam is sometimes indicated, although some consular offices may simply inform the applicant that the examination must be taken before the date of the interview. There is also a reminder that Form OF-230, the visa application, must include all the names of the applicant's non-United States citizen children--whether they are or are not applying for visas.

ADMINISTRATIVE PROCESSING

There are two basic types of administrative processing performed by the consular office.

If the information contained in the applicant's biographic information sheet (OF-179) indicates that the applicant has had residences of six months or more after attaining the age of sixteen (16) in any other country, other than the country where the visa is being processed, the consular office must request a security clearance from the American embassy or consulate in those countries before the immigrant visa can be issued.

In addition, if the applicant has resided in the United States for six months or more after reaching the age of sixteen (16), the consulate will obtain a police clearance for the applicant from the Federal Bureau of Investigation in Washington, D. C. It has been the experience of embassies that FBI clearances may take up to two months or occasionally longer to process. It is, therefore, extremely important that the applicant complete and return OF-179 to the consular office as soon as possible.

will be triggered.

This section requires the intending immigrant to pursue the visa application within one year from the date of the originally scheduled appointment. Note the "Important Notice" on the back of the OF-171 which states: "Your application for an immigrant visa will be cancelled and any petition approved on your behalf will be cancelled one year after your scheduled appointment if you fail to keep your appointment." This provision of the law can be waived only for compelling reasons.

Cancelling or failing to keep the appointment because the date is simply inconvenient for the applicant is insufficient grounds for a waiver. This reason will only activate Section 203(e).

On the day of appointment, the applicant will be asked to present all the personal documents listed in Packet 3. These documents are arranged in order by a consulate employee, and the case is then assigned to a consular officer who interviews the applicant. At this time, each immigrant visa applicant will be required to pay an application fee, which as of this writing is \$25.00. After the interview, an issuance fee, which as of this writing is \$75.00, will be collected for each visa approved by the consular officer. Local currencies are, of course, accepted in lieu of American dollars.

All applicants should understand that the processing of their visas may take several hours, or possibly the entire day. Note, however, that children under the age of fourteen (14) are not required to appear personally at the time of the interview unless specifically requested by the consular office; but the children must be abroad for visa processing. Consulates make every effort to assure that all qualified applicants due visas receive them on the day of their appointment.

If the visa is approved, the applicant is required to pay the issuance fee, and the immigrant visa is then prepared by the consular staff. All immigrant visas are normally valid for four months from the date of issuance. This means that the applicant must present the visa for inspection by an immigration officer at a United States port of entry before midnight on the expiration date indicated on the visa. Applicants are cautioned not to open their visa envelopes.

If an applicant is single at the time of visa issuance, but subsequently marries before presenting the visa at a port of entry, the alien may be inadmissible and excluded due to the change in marital status.

INSPECTION AND ADMISSION TO THE UNITED STATES

At the point of entry, an immigration officer will open the visa and also check Service records regarding the applicant. Keep in mind that the applicant is not automatically admitted at the port of entry. If there are no ineligibilities indicated in Service records, and if the immigration officer concurs in the issuance of the visa by the consular officer, the applicant will be admitted into the United States as a lawful permanent resident.

If, however, there is derogatory information about the applicant in the Service records, or if the immigration officer believes the consular officer has issued the visa in error, the alien will be denied admission. In such cases, the visa application will be referred to an immigration judge, who, in a formal hearing, will render a final decision regarding the alien's admissibility.

If admitted, the permanent resident alien is not immediately given his or her Alien Registration Receipt Card, Form I-551. The alien's passport will be stamped by the immigration officer, indicating the alien has been admitted to the United States as a lawful permanent resident. The alien's file will be forwarded to the INS district office having jurisdiction over the applicant's place of intended residence in the United States. The Immigration Service prepares the applicant's Alien Registration Card through its Alien Documentation Identification and Telecommunication (ADIT) Center in Arlington, Texas. Normally, the card will be mailed to the alien's address as recorded on the visa within six months from the date of entry.

DENIALS OF VISA APPLICATIONS

Consider what happens if the visa application is denied. If the consular officer denies the visa by law or on discretionary grounds, the applicant will be informed both verbally and in writing of the reasons for the denial. The applicant will also be informed of any available legal measures to overcome the refusal.

If the application is refused on any grounds of exclusion under Section 212(a) of the I&NA, as amended, the applicant's case will remain active at the consular office for one year, after which it will be placed in an inactive file. If, however, the application is denied under Section 212(g), that is, it does not comply with the minimum documentary requirements of the Act (see Packet 3 above), and if the applicant fails to provide the proper documentation within one year from the date the application has been refused by the consular officer, the priority date, application, and any petition approved on the alien's behalf will be cancelled under the Section 203(e) provisions.

A complete list of the grounds of ineligibility to receive a visa are listed in the Appendix. The grounds for which there are administrative relief are Sections 212(a)(1), (3), (6), (9), (10), (12), and (19) of the Act.

These sections cover:

212(a)(1) -- An alien who is mentally retarded.

212(a)(3) -- An alien who has had one or more attacks of insanity.

212(a)(6) -- An alien afflicted with any dangerous, contagious diseases.

- 212(a)(10) -- An alien who has been convicted of two for which the aggregate sentence actually imposed was five years or more
- 212(a)(12) -- An alien who is or has been convicted of or unlawful commercial vice.
- 212(a)(19) -- An alien who has obtained or attempted to obtain a document by fraud.

To be eligible for administrative relief, however, the applicant must be the spouse, parent, or minor, unmarried child of a U. S. citizen or a lawful permanent resident.

ADMINISTRATIVE RELIEF FROM DENIALS

Applicants who may know or believe they are ineligible to receive visas under any of the grounds listed above may not apply for relief before their interview with the consular officer. According to this procedure, the consular officer will determine eligibility or ineligibility to receive a visa at the time the applicant is interviewed. If grounds of ineligibility exist, the consular staff will assist the alien in submitting an application for Waiver of Grounds of Ineligibility to Receive an Immigrant Visa, Form I-601, provided the applicant is eligible for relief under the law.

Once completed by the consular officer, the I-601, along with the consular officer's recommendations, are forwarded to the appropriate INS district office for final processing. If the district director concurs with the consular officer's recommendations, the waiver application is approved and returned to the consular officer. The applicant is then rescheduled for another appointment to conclude the processing of the case.

As stated previously, there are several reasons why applicants do not qualify for immigrant visas at the interview with the consular officer. By far the most common explanation is the failure by the applicant to present a complete set of personal documents listed in Packet 3 (see OF-169) at the time of the interview, or failure to immediately complete and return to the consular office Form OF-179, the biographic information sheet, described above. In both examples, such failures will result in a mandatory refusal of the application under Section 212(g) of the Act. In addition, a refusal under this section automatically triggers Section 203(e).

Although not nearly so common, two other reasons why aliens are denied visas are that the applicant has been formally deported from the United States by the Immigration Service, and/or the applicant, in the opinion of the consular officer, does not satisfy the public charge provision of the law. These two grounds are discussed below in detail:

Deportations: An applicant who has been arrested and formally deported from the United States requires advance permission from the Immigration Service to reapply for admission before an immigrant visa may be issued by the consular officer. Permission should be applied for in advance of the alien's formal application before the consular officer.

To do so, the applicant must file Form I-212, Permission to Reapply for Admission Into the United States After Deportation, with the Immigration Service. The consular office where the visa application is being processed will be informed by the Service of whatever action is taken on the petition. It is strongly recommended that in cases where the applicant has been formally deported, permission to reapply should be filed well in advance of any appointment with the consular officer. To avoid confusion, please note carefully that aliens arrested by the Immigration Service and granted voluntary departure from the United States, in lieu of formal deportation, are not required to file Form I-212.

Public Charge Provisions: Section 212(a)(15): The application of this section of the I&NA is perhaps the most widely misunderstood and controversial, particularly when it is used to deny an immigrant visa. A consular officer has discretionary authority to disapprove a visa on the grounds that the alien is likely to become a public charge if admitted to the United States. This decision is based upon the consular officer's interview with the applicant and the evidence submitted by the alien to attempt to show that he or she can overcome the public charge provisions.

Consular officers are instructed in their guidelines on this section of the law that assessing the likelihood of the alien's becoming a public charge "at any time" subsequent to admission should always be based upon a reasonable projection of present circumstances, rather than upon possible consequences contingent upon speculative eventualities. That is, the facts now, not what could possible happen sometime in the future, should influence the consul's decision.

Since the application of section 212(a)(15) is based on human, decision-making processes that cannot be standardized, e.g., common sense and good judgement, it behooves each applicant to assure that his or her application is as well documented as possible, or even over-documented, insofar as the public charge provisions are concerned (see OF-167).

There are three basic ways an applicant may overcome the public charge provisions of the law:

1. By showing that the alien has or will have in the United States sufficient funds to support himself or herself. What amount of funds would be sufficient in an individual case? This depends on the applicant's age, physical condition and family circumstances.
2. By showing that the alien has employment of a permanent nature awaiting him or her in the United States that will provide an adequate income, or;

3. That relatives or friends in the United States will assure the alien's support.

Of the ways mentioned to establish an applicant's exemption from the public charge provision of the law, examples one and two are perhaps the best methods to use. This may be true because affidavits of support, referred to in example three, are not generally enforceable in the United States. Consequently, although an affidavit of support may be given by relatives or friends in good faith, and are duly considered by consular officers, the affidavit does not in itself establish that the alien is not likely to become a public charge.

Poverty Guidelines: Consular officers also use what is known as the Income Poverty Guidelines Tables issued periodically by the federal government. The guidelines had been previously prepared by the Community Services Administration, but are due to be distributed next spring, 1982, by the Office of Management and Budget. The guidelines are used to determine the applicability of the public charge provisions of the law to those aliens relying solely on their personal income to maintain themselves and dependent family members after admission to the United States.

Generally speaking, the income to be derived from the alien's pre-arranged employment in the United States must equal or exceed the income poverty guideline level for his or her family members as reflected in the tables. It should, however, be clearly understood that these are only guidelines and that there may be other specific and concrete circumstances indicating to the consular officer that the application should be issued or denied, regardless of whether the prospective earnings fall above or below the incomes listed.

"STATESIDE CRITERIA" PROCESSING

For many years certain aliens in the United States, ineligible for adjustment of status, have been permitted to process their immigrant visa applications at an American consulate in Canada. This is known as "stateside criteria" processing.

Stateside criteria benefits close family members seeking to become lawful permanent residents. The procedure enables them to remain legally in the United States until their visa appointment has been scheduled in Canada. The stateside criteria procedure is well established and consular posts in Canada are staffed to handle the workload.

An alien who is physically present in the United States may be entitled to stateside criteria processing if he or she meets the following conditions:

1. The alien is statutorily ineligible for adjustment of status pursuant to Section 245 of the I&NA.
2. The alien has received permission from the INS to remain in the United States during the processing of the immigrant visa application.

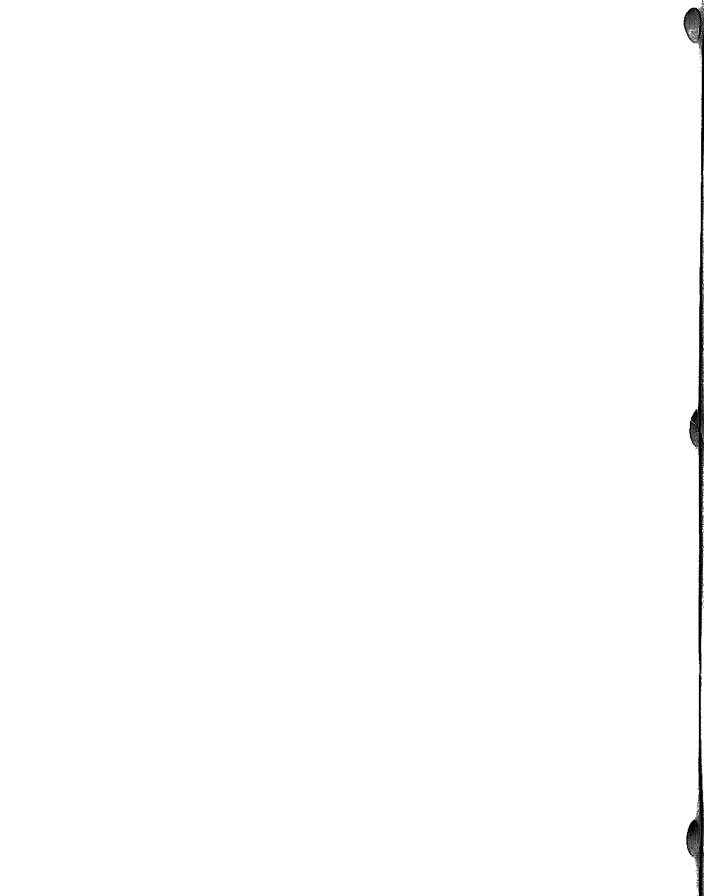
the alien immediate relative, or first or second preference status; or is an alien entitled to derivative first or second preference status through an alien entitled to stateside criteria processing.

Also, certain other cases demonstrating exceptional or unusual hardship will be accepted on a case-by-case basis. Financial hardship alone is not sufficient to request stateside criteria processing.

Outreach participants should note that stateside criteria is discretionary, and both the appropriate consular post in Canada and the INS district office in the United States must concur that the alien can proceed with stateside processing in order for the procedure to take effect.

State Department

Sample Forms



PACKET 3

1. Optional Form 169, Notification of Acceptance and Priority Date Recording.
2. Optional Form 167, Instructions on Evidence to Meet Public Law Provisions.
3. Optional Form 179, Biographic Data Sheet.



OF THE
UNITED STATES OF AMERICA

APPLICANT'S PRIORITY DATE:

FOREIGN STATE CHARGEABILITY

Preference Category

Dear Visa Applicant:

I. This letter concerns your interest in immigrating to the United States. The box checked below indicates the basis on which you may proceed with your immigrant visa application.

- ☐ This office has received an approved petition according to your status as an immediate relative of an American citizen.
- ☐ This office has received an approved petition according to your ☐ preference status.
- ☐ This office has received an approved certification from the Department of Labor.
- ☐ It has been determined that you are exempt from the labor certification requirement.

II. You should now prepare for your appointment to file a formal immigrant visa application by taking the three steps listed in paragraph III. If you have any questions, please communicate with this office.

III. The steps you should take to prepare for your appointment to file your formal immigrant visa application are:

- A. **FIRST**, complete and return immediately to this office the enclosed Optional Form 179 (Formerly DSP-70), Biographic Data for Visa Purposes.
- B. **SECOND**, obtain the following documents. **DO NOT SEND THEM TO THIS OFFICE.** As you obtain each document, check the box before each item:

☐ 1. **Passports.** A passport must be valid for at least six months and it must be endorsed by the issuing authority for travel to the United States. Each child 16 years of age or older, who is included in the parents' passport but whose photograph does not appear in such passport must obtain his own separate passport.

☐ 2. **Birth Certificates.** Two certified copies of the birth record of each person named in the application are required, unless birth certificate is being submitted at this time in connection with a separate visa application. This includes all unmarried children under age 21 (if deceased, so state giving year of death) even though they may not wish to immigrate at this time. The certificate must state the date and

place of birth and the names of both parents. It must also be indicated on the certificate that it is an extract from the official records. Photostatic copies are acceptable provided the original is offered for inspection by the consular officer.

☐ 3. **Unobtainable Birth Certificate.** In rare cases, it may be impossible to obtain a birth certificate because records have been destroyed, or the government will not issue one. In such a case, a baptismal certificate, in duplicate, may be submitted for consideration provided it contains the date and place of the applicant's birth and information concerning parentage and provided the baptism took place shortly after birth. Should a baptismal certificate be unobtainable, a close relative, preferably the applicant's mother, should prepare

a notarized statement in duplicate, stating the place and date of the applicant's birth, the names of both parents and maiden name of the mother. The statement must be executed before an official authorized to administer oaths or affirmations.

☐ 3. Police Certificates.—Each visa applicant aged 16 years or over is required to submit a police certificate, in duplicate. Such certificates must be obtained from the police authorities of each locality [redacted] where the applicant has resided for six months or more since attaining the age of 16 years. A police certificate must also be obtained from the police authorities of any place where the applicant has been arrested for any reason, regardless of how long he lived there. Such certificates must cover the entire period of the applicant's residence in the area. A certificate issued by local police authorities must be of recent date when presented to the consular officer. The term "police certificate" as used in this paragraph means a certification by the appropriate police authorities stating what their records show concerning the applicant, including any and all arrests, the reasons therefor, and the disposition of each case of which there is a record. NOTE: Based on the applicant's completed OF-179, this office will provide assistance in obtaining certain police certificates, such as those to cover residences in the U.S. or U.K. If specific questions arise, please consult this office.

☐ 4. Court and Prison Records.—Persons who have been convicted of a crime must obtain two certified copies of each court record and of any prison record, regardless of the fact that they may have subsequently benefited from an amnesty, pardon or other act of clemency.

C. THIRD, as soon as you have obtained all of the documents listed above which are applicable to your case, carefully read the statement at the bottom of this page, sign it and return this form.

SPECIAL INSTRUCTIONS:

Sincerely,

Vice Consul of the United States of America

Enclosures:

1. Optional Form 179, Biographic Data for Visa Purposes (Formerly DSL-70)
2. Optional Form 167, Evidence Which May Be Presented to Meet Public Charge Provision of the Law (Formerly DSL-845)

APPLICANT'S STATEMENT

I have in my possession and am prepared to present all of the documents listed in items 1 through 9 which apply to my case, as indicated by the check marks I have placed in the appropriate boxes. I fully realize that no advance assistance can be given that a visa will actually be issued to me and I also understand that I should NOT give up my job, dispose of property, nor make any final travel arrangements until a visa is actually issued to me. At such time as it is possible for me to receive an appointment to make formal visa applications, I intend to apply: (Check appropriate box)

- ☐ 1. Alone ☐ 2. Together with my spouse ☐ 3. Together with my spouse and the following minor children: (print first names of each child who will accompany you)

(Signature)

PLEASE DO NOT SEND ANY DOCUMENTS TO THIS OFFICE UNTIL YOU ARE SPECIFICALLY REQUESTED TO DO SO BY THIS OFFICE.



DEPARTMENT OF STATE

Washington, D.C. 20520

EVIDENCE WHICH MAY BE PRESENTED TO MEET THE PUBLIC CHARGE PROVISIONS OF THE LAW

GENERAL

The Immigration and Nationality Act requires an applicant for a visa to establish to the satisfaction of the consular officer at the time of his application for a visa, and also to the satisfaction of the United States immigration officials at the time of his application for admission into the United States, that he is not likely at any time to become a public charge.

An applicant for an immigrant visa may generally satisfy this requirement of the law by the presentation of documentary evidence, *in duplicate*, establishing that:

1. he has, or will have, in the United States funds of his own sufficient to provide for the support of himself and members of his family; or
2. he has employment awaiting him in the United States which will provide an adequate income for himself and members of his family; or
3. he is skilled in a profession or occupation which has been determined to be in short supply in the United States and can show that he has funds adequate for transportation to the United States and for the support of himself and members of his family until he is able to locate employment in his profession or occupation; or
4. relatives or friends in the United States will assure his support.

APPLICANT'S OWN FUNDS

An applicant who expects to be able to meet the public charge provisions of the law under 1. or to present evidence of funds required under 3. above may submit to the consular officer one or more of the following items:

- (a) statement from an officer of a bank showing present balance of applicant's account, date account was opened, and average balance during the year. If there have been recent unusually large deposits, an explanation therefor should be given;
- (b) proof of ownership of property or real estate, in the form of a letter from a lawyer, banker or responsible real estate agent showing its present valuation. Any mortgages or loans against the property must be stated;
- (c) letter or letters verifying ownership of stocks and bonds, with present market value indicated;
- (d) statement from insurance company showing policies held and present cash surrender value;
- (e) proof of income from business investments or other sources.

EMPLOYMENT

Applicants having prearranged employment should submit evidence thereof, *in duplicate*, from the prospective employer on his business letterhead or if he has no letterhead in the form of a contract or affidavit. An applicant whose employment has been certified by the Department of Labor need not furnish a statement or contract of employment, unless specifically requested to do so by the consular officer.

The letter, contract or affidavit should:

- (a) contain a definite offer of employment;
- (b) state whether the employment will be immediately available upon the applicant's arrival in the United States;
- (c) specify the location, type, and duration (whether seasonal, temporary, or indefinite) of the employment offered;
- (d) specify the rate or range of compensation to be paid;
- (e) be of recent date; and
- (f) if the prospective employer is an individual rather than a firm, some evidence proving that the individual is in a financial position to carry out the offer of employment.

OPTIONAL FORM 167

AFFIDAVIT OF SUPPORT

There are no prescribed forms to be used by persons in the United States who desire to furnish sponsorship in the form of an affidavit of support for presentation to the consul.

Each sponsor should furnish a statement, in *duplicate*, in affidavit form setting forth his willingness and financial ability to contribute to the applicant's support and his reasons in detail for sponsoring the applicant.

The sponsor's statement should include:

- (a) information regarding his income;
- (b) where material, information regarding his resources;
- (c) his obligations for the support of members of his own family and other persons, if any;
- (d) his other obligations and expenses;
- (e) plans and arrangements made for the applicant's reception and support; and
- (f) an expression of willingness to deposit a bond, if necessary, with the Immigration and Naturalization Service to guarantee that the applicant will not become a public charge in the United States.

The sponsor should include in his affidavit a statement concerning his status in the United States. If the sponsor is an American citizen he should state how he acquired United States citizenship. If naturalized, he should indicate in the affidavit the date of naturalization, the name and location of the court, and the number of his certificate of naturalization. In no case, however, should a naturalized citizen attach a copy of his certificate of naturalization since reproduction thereof is *prohibited by law* and severe legal penalties are prescribed for such reproduction. If the sponsor is an alien who has been lawfully admitted into the United States for permanent residence, he should state in the affidavit the date and place of his admission for permanent residence and the alien registration number which appears on his Alien Registration Receipt Card (Form I-151). In no case should a copy be made of Form I-151 since the reproduction of this document, like a certificate of naturalization, is also *prohibited by law* and severe legal penalties are prescribed for such reproduction.

To substantiate the information regarding his income and resources the sponsor should attach one or more of the following items to his affidavit:

- (a) notarized copies of his latest income tax return;
- (b) a statement, in duplicate, from his employer showing his salary and the length and permanency of employment;
- (c) a statement, in duplicate, from an officer of a bank regarding his account, showing the date the account was opened and the present balance;
- (d) Any other evidence adequate to establish his financial ability to carry out his undertaking toward the applicant for what might be an indefinite period of time.

If the sponsor is a well established businessman, he may submit a rating from a recognized concern in lieu of the foregoing.

If the sponsor is married, the affidavit should be jointly signed by both husband and wife.

Affidavits of support should be of recent date when presented to the consular officer. They are unacceptable if more than a year has elapsed from the date of execution.

A sponsor may prefer to forward his affidavit of support direct to the consular office where the visa application will be made, in which event the contents will not be divulged to the applicant.

IMPORTANT: All support documents must be presented to the consular officer in duplicate.

NOTE: An applicant who expects to meet the public charge provisions of the law through the presentation of an affidavit of support is encouraged to forward this information sheet to his sponsor so as to assist him in preparing his affidavit.

POST SYMBOL:		BIOGRAPHIC DATA FOR VISA PURPOSES		Form Approved Budget Bureau No. 47-R161.2	
INSTRUCTIONS Complete this form for your entire family (yourself, spouse and unmarried children under 21 years of age).					
1. NAME (Family name)		(First name)		(Middle names)	
KIM,		JONG-TAE			
OTHER NAMES, ALIASES (If married woman, maiden name and surname of any previous spouses)					
None					
NAME IN NATIVE LETTERS OR CHARACTERS IF DIFFERENT FROM ABOVE 김종태 (金鍾泰)					
2. PLACE OF BIRTH (City)		(State or province) (Country)		DATE OF BIRTH (Month) (Day) (Year)	
Seoul		Korea		March 20, 1939	
SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		PRESENT NATIONALITY Korean		PAST NATIONALITY Korean	
3. NAME OF FATHER Man-Kee Kim			4. MAIDEN NAME OF MOTHER Soon-Hee Lee		
5. FATHER'S BIRTHPLACE (City)		(State or province) (Country)		6. MOTHER'S BIRTHPLACE (City) (State or province) (Country)	
Seoul		Korea		Seoul Korea	
7. NAME OF SPOUSE (Maiden or family name)			(First name) (Middle names)		
Johnson,			Mary Ann		
8. SPOUSE'S BIRTHPLACE (City) (State or province) (Country)		9. SPOUSE'S BIRTHDATE (Month) (Day) (Year)		10. WILL SPOUSE IMMIGRATE WITH YOU? Not <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> No	
Pittsburg, PA USA		Nov. 6, 1943			
11. NAME OF SPOUSE'S FATHER Samuel Johnson			12. NAME OF SPOUSE'S MOTHER Margaret Iverson		
13. BIRTHPLACE OF SPOUSE'S FATHER (City) (State or province) (Country)			14. BIRTHPLACE OF SPOUSE'S MOTHER (City) (State or province) (Country)		
Pittsburg, PA USA			Harrisburg, PA USA		
15. LIST UNMARRIED CHILDREN UNDER 21 YEARS, NOT U.S. CITIZENS WHO WILL ACCOMPANY YOU					
NAME OF CHILD		PLACE OF BIRTH (City, state or province, country)		BIRTHDATE	
NONE					
16. IF YOU OR YOUR SPOUSE ARE NOW OR HAVE BEEN, IN THE UNITED STATES, STATE:					
<input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> SPOUSE		WHERE WAS VISA OBTAINED Seoul, Korea		WHEN WAS VISA GRANTED (Month, Year) May, 1979	
CHECK TYPE OF VISA USED FOR SUCH ENTRY:					
<input type="checkbox"/> Immigrant		<input checked="" type="checkbox"/> Government or international organization official or employee		<input type="checkbox"/> Exchange Visitor	
		<input type="checkbox"/> Other nonimmigrant Specify			
17. IF YOU OR YOUR SPOUSE PREVIOUSLY LIVED IN THE UNITED STATES, STATE:					
DATE ADMITTED		DATE DEPARTED		REASON FOR DISCONTINUING RESIDENCE	
Not Applicable					

18. LIST BELOW IN DATE ORDER ALL PLACES WHERE YOU, YOUR SPOUSE AND UNMARRIED CHILDREN NAMED ON THE OTHER SIDE HAVE LIVED SINCE REACHING THE AGE OF 16. (It is not necessary to list the places where you have lived less than six months).

FIRST NAME OF FAMILY MEMBER	CITY OR TOWN, PROVINCE, COUNTRY	OCCUPATION	FROM (Month, Year)	TO (Month, Year)
Jong-Tae	Washington, D.C., USA	Attorney	May 1979	Present
	Seoul, Korea	Student/ Attorney	Birth	May '79
Mary Ann	Washington, D.C., USA	Real Estate	Nov. '79	Present
	Hyattsville, Md. USA	student	Sept. '75	Nov. '79
	Pittsburg, PA USA	student	Birth	Sept. '75

19. MEMBERSHIP OR AFFILIATION IN ORGANIZATIONS IN EACH COUNTRY NAMED IN ITEM 18:
CULTURAL, SOCIAL, LABOR OR POLITICAL

ORGANIZATION	FROM	TO
None		

I certify that all information given is complete and correct.

DATE

SIGNATURE AND PRESENT ADDRESS

May 13, 1980

Jong-Tae Kim

NOTE: If space above is insufficient to answer any questions properly, the additional information may be printed below or on a separate sheet of paper and attached to this form.

PACKET 3(A)

DSL Letter 869 A, Notification of Acceptance and Priority Date Recording; Notice that Visa Numbers Not Presently Available.

Optional Form 179 (Formerly DSP-70) Biographic Data for Visa Purposes.

Optional Form 222 (Formerly FS-497) Preliminary Questionnaire to Determine Immigrant Status.



APPLICANT'S FULL NAME

APPLICANT'S PRIORITY DATE

FOREIGN STATE CHARGEABILITY

Dear Visa Applicant:

This letter concerns your interest in immigrating to the United States.

THIS OFFICE HAS RECEIVED SATISFACTORY EVIDENCE ESTABLISHING YOUR ENTITLEMENT TO BE REGISTERED AS AN INTENDING IMMIGRANT. THE PERTINENT INFORMATION CONCERNING YOUR REGISTRATION IS NOTED IN THE TOP RIGHT HAND CORNER OF THIS LETTER. THIS LETTER CONSTITUTES OUR FORMAL NOTICE TO YOU OF YOUR REGISTRATION. YOU SHOULD KEEP THIS LETTER WITH YOUR IMPORTANT PAPERS. WHEN REFERRING TO YOUR IMMIGRANT VISA REGISTRATION, ALWAYS PRESENT THIS LETTER.

Please read carefully the paragraphs checked below. You may disregard any unchecked paragraphs.

- () Unfortunately, visa numbers are not presently available for your use and it is not possible to determine, with any degree of accuracy, when visa numbers will become available. You may be assured, however, that you will be notified as soon as numbers are available and further consideration can be given to your application. The reason for this delay is because there are more applicants for visas than there are immigrant visa numbers available under the numerical limitations prescribed by law. At the present time, visa numbers in your category are:
 - () unavailable
 - () available for persons who have a priority date earlier than _____.
- () Since you are at present only qualified for a nonpreference visa and such numbers are not available for you at this time, it may be to your advantage if your prospective employer in the United States would submit a petition (Form I-140) to the Immigration and Naturalization Service in the United States to accord you third or sixth preference status. We have, therefore, returned your approved labor certification to your prospective employer with a notice to this effect. While the approval of a third or sixth preference petition would normally expedite consideration of your case, it should be noted that the approval of such a petition does not ensure the immediate availability of a visa number.

IMPORTANT NOTICE FOR ALL APPLICANTS

You are cautioned not to make any firm plans, such as disposing of property, giving up jobs or making travel arrangements, at this time. Due to world-wide demand for visa numbers we again stress the fact that there is no way of knowing when it will be possible to proceed with your immigrant visa application.

You need not check with this office further unless you have to report a change of address or report information required by the next paragraph.

While the evidence you have presented entitles you to registration as an intending immigrant, you must be able to establish, by documentary evidence if necessary, that you continue to be entitled to immigrant status both at the time you make formal application for a visa and when you apply for admission to the United States. Any change in your situation which bears upon your entitlement to immigrant status (for example, a change in your proposed employment or a change in your relationship with the person petitioning in your behalf) should be reported to this office immediately. If your registration is based on your status as an investor, you must be able to demonstrate when you apply for your visa and for admission to the United States that your investment meets the requirements of the regulations pertaining to investors.

At such time as it is possible to take further action on your application, this office will inform you. Meanwhile, we wish to establish a record for you and all family members who will accompany you to the United States. To accomplish this, we need your cooperation in completing and returning to this office IMMEDIATELY the enclosed Optional Form 179 (Biographic Data for Visa Purposes).

Sincerely,

Consul of the
United States of America

Enclosures:

1. Optional Form 179 (Formerly DSP-70)
Biographic Data for Visa Purposes.
2. Optional Form 222 (Formerly FS-497)
Preliminary Questionnaire to Determine Immigrant Status.

Letter
DSL-869A (12/79)

PACKET 4

1. Optional Form 171, Notice of Appointment
2. Optional Form 230, Application for Immigrant Visa



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Dear Visa Applicant:

Thank you for the notification that you have all the documents needed in connection with your application for an immigrant visa.

All intending immigrants are required by United States law to undergo certain medical examinations. Complete instructions for these examinations are contained on the attached sheet.

An appointment has been scheduled for you to come to this office on July 15, 1980. All members of your family immigrating with you except _____, must appear with you on the above appointed date. If you CANNOT KEEP THE APPOINTMENT, please notify this office at once.

Please read carefully the attached "Application for Immigrant Visa and Alien Registration" (Optional Form 230). Fill this form out completely, using a typewriter or printing in block letters, but do not sign it now; you will have to do this before the consular officer. Every numbered part must be completed. If any part does not apply to your case, write in "Not Applicable." Do Not use dashes or the letters "n.a." or other abbreviations to fill in such parts. The form must be completed, in duplicate, for each member of your family who plans to immigrate with you.

You are reminded that you must bring with you all of the documents pertinent to your case. Your application cannot be accepted if you fail to bring completed documentation. All civil documents must be in duplicate; for each applicant three identical photographs, 37mm x 37mm (1½ x 1½ inches) are required. For your convenient reference, the generally required documents are listed and described below:

Passport	Military record, if applicable	Optional Form 230, Application for Immigrant Visa and Alien Registration (2 for each person)
Birth Certificate for applicant, spouse and children (in duplicate)	Photographs (3 for each person)	Marriage Certifi- cate, if applicable (in duplicate)
Optional Form 171 (formerly DSL-871)	Evidence of financial support or DS-1743 offer of Employment to Alien (unless you have evi- dence of your own assets), (see enclosed Optional Form 167)	Divorce decree, if applicable (in duplicate)
Police Certificate (2 copies)		Evidence previously submitted for labor certification or exemption from that requirement.
Optional Form 222, Preliminary Question- naire to Determine Immigrant Status		

All documents not in the official language of the country in which application for visa is being made, or in English, must be accompanied by certified translations into English. Translations must be in duplicate and certified by a competent translator and sworn to before a Notary Public.

12

Affidavits of support and evidence of prearranged employment must be less than 6 months old when presented to the consular officer.

Married persons should present two copies of their marriage certificate. Proof of the termination of any previous marriage should also be submitted, e.g., death certificate of former spouse, or decree of divorce or annulment.

All documents, except passports and photographs, must be submitted in duplicate. If you have only one copy of your birth certificate and cannot obtain another, you may submit two photostatic copies thereof but you must bring the original with you, for inspection by the consular officer. It will be returned to you. The same applies to any other certificate which may have been photostated.

A child, 16 years of age or older who is included in his parents' passport but whose photograph does not appear in such passport, must obtain his own separate passport.

Each child, regardless of age, requires a medical examination, a birth certificate in duplicate and three identical photographs. Birth certificates are required for all unmarried children under 21 years of age even if they do not intend to immigrate at this time.

You must be prepared to pay in cash a total fee of \$25.00 in United States currency or the equivalent in local currency () for each visa (\$5.00 for the application and \$20.00 for the visa). Each person immigrating, regardless of age, requires a separate visa. Even if a person is found ineligible to receive a visa, the fee of \$5.00 for the application cannot be refunded.

MOST IMPORTANT

No assurance can be given in advance that a visa will be issued. Only after all your documents have been reviewed, your medical examination completed, and you have signed and sworn to your formal application and have been interviewed by the consular officer can a decision be reached by that officer as to your eligibility under the law to receive a visa. You are advised not to make any travel arrangements for departure from this country, not to dispose of your property and not to give up your job until the visa has been issued to you. Usually, a visa is valid for 4 months from date of issuance, which means that any time within that 4-month period it may be used to apply for admission into the United States.

This office will make every effort to expedite your visa application on the day of your appointment, but it is a process which does require several hours. It is possible that you will have to spend the entire morning or afternoon in the office before final action can be taken on your application. Should complications arise, it is unlikely that you will receive the visa on the day of your appointment; you may be required to return to this office another time.

PLEASE MAKE CERTAIN THAT YOUR DOCUMENTATION IS COMPLETE AND THAT YOU HAVE TWO COPIES OF EACH DOCUMENT (except for passport and 3 photographs).

IMPORTANT NOTICE. Your application for an immigrant visa will be cancelled and any petition approved on your behalf will be cancelled one year after your scheduled appointment if you fail to keep your appointment.

Upon arrival at this office on your appointment day, please present this letter to the receptionist.

Sincerely,

Consul of the United States of America

Enclosures

1. Instructions for Medical Examination
2. Optional Form 230, Application for Immigrant Visa and Alien Registration (2 for each person)
3. Optional Form 167, Evidence Which May be Presented to Meet Public Charge Provisions of the Law.

BRING ALL DOCUMENTS WITH YOU ON APPOINTMENT DATE

OPTIONAL FORM 230 (English) (Rev. 4-77)
(Formerly FB-510)
DEPT. OF STATE
50230-103

APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

INSTRUCTIONS: This form must be filled out in DUPLICATE by typewriter, or if by hand in legible block letters. All questions must be answered, if applicable. Questions which are not applicable should be so marked. If there is insufficient room on the form, answer on separate sheets. In duplicate using the same numbers as appear on the form. Attach the sheets to the forms. DO NOT SIGN this form until instructed to do so by the consular officer. The fee for filing this application for an immigrant visa is \$5.00. The fee should be paid in United States dollars or local currency equivalent or by bank draft, when you appear before the consular officer.

WARNING: Any false statement or concealment of a material fact may result in your permanent exclusion from the United States. Even though you should be admitted to the United States, a fraudulent entry could be grounds for your prosecution and/or deportation.

1. Family name GOMEZ-CANO,			First name ROSA		Middle name	
2. Other names used or by which known (If married woman, give maiden name) Rosa Estela Gomez-Rodriguez (Maiden Name)						
3. Full name in native alphabet (If Roman letters not used) None						
4. Date of birth (Day) (Month) (Year) 10 Feb. 1951			5. Age 24		6. Place of birth (City or town) (Province) (Country) San Miguel El Salvador	
7. Nationality Salvadoran		8. Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		9. Marital status <input type="checkbox"/> Single (never married) <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated Including my present marriage, I have been married times.		
10. Occupation Medical Doctor				11. Present address 2011 No. Daniel St. Arlington, VA 22210		
12. Name, address, date and place of birth of wife/husband (Give maiden name of wife) Jose Manuel Cano Valdez DOB: Oct. 26, 1945 2011 No. Daniel POB: Mexico City, Mexico Arlington, VA 22210 Date and place of marriage May 5, 1979 - Arlington, VA						
13. Names, addresses, dates and places of birth of all children. Samuel Jose Gomez Rodriguez DOB: Oct. 26, 1945 Dpto. Chirilagua Canton 16 #516 POB: El Salvador San Miguel, El Salvador						
14. Person(s) named in 12 and 13 who will accompany or follow me to the United States NONE				15. Final address in the United States 2011 N. Daniel St. Arlington, VA 22210		
16. Person you intend to join (Give name, address and relationship, if any) Jose Manuel Cano Valdez 2011 N. Daniel Arlington, VA 22210--Husband				17. Name and address of sponsoring person or organization (If different from 16) Not Applicable		
18. Personal description (a) Color of hair (c) Height Black ..5... feet ..6... inches (b) Color of eyes (d) Complexion Dark Brown Fair				19. Marks of identification NONE		
20. Purpose in going to the United States To Live Permanently				21. Length of intended stay (If permanently, so state) Permanently		
22. Intended port of entry Miami, FL				23. Do you have a ticket to final destination? Yes		

24. Personal financial resources

(a) Cash Sufficient for Visa & travel purposes (c) Real estate (value) \$70,000
 (b) Bank deposits \$25,000 (d) Other (describe) Misc. \$12,000

25. Father's name, address, date and place of birth (If deceased, so state giving year of death)

Roberto Gomez Molina DOB: May 20, 1926
 San Miguel, El Salvador POB: San Miguel, El Salvador

26. Mother's maiden name, address, date and place of birth (If deceased, so state giving year of death)

Elvira Rodriguez Rossel DOB: Sept. 3, 1927
 San Miguel, El Salvador POB: San Miguel, El Salvador

27. Name, address and relationship of next of kin in home country (If neither parent is living)

Not Applicable

28. List all places of residence for 6 months or more since your sixteenth birthday

City or town	Province	Country	Dates (From-To)	Calling or occupation
Arlington, VA		USA	May '79-Present	student
Washington, D.C.		USA	Jan. '74-May '79	"
San Miguel		El Salvador	Birth-Jan. '74	"

29. List all organizations you are now or have been a member of or affiliated with since your sixteenth birthday (Include professional, vocational, social and political organizations)

Name and address

Dates (From-To)

Type of membership and office held, if any

NONE

30. List all languages, including your own, that you can speak, read and write

Language	Speak	Read	Write
Spanish	X	X	X
English	X	X	X

31. Inclusive dates of previous residence in or visits to the United States (Give type of visa or status) (If never, so state)

January 1974 to Present; B-2 and Overstay

32. Have you ever been treated in a hospital, institution or elsewhere for a mental disorder, drug addiction or alcoholism? (If answer is Yes, explain) Yes ☐ No ☒

33. Have you ever been arrested, convicted or confined in a prison, or have you ever been placed in a poorhouse or other charitable institution? (If answer is Yes, explain) Yes ☐ No ☒

34. Have you ever been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? (If answer is Yes, explain) Yes ☐ No ☒

35. Have you ever applied for a visa to enter the United States? (If answer is Yes, state where and when, whether you applied for a nonimmigrant or an immigrant visa and whether the visa was issued or refused) Yes ☒ No ☐
 San Salvador; January 1974; B-2 NIV issued

36. Have you been refused admission to the United States during the last 12 months? (If answer is Yes, explain) Yes ☐ No ☒

37. Have you ever registered with a draft board under United States Selective Service Laws? (If answer is Yes, explain) Yes ☐ No ☒

38. Have you ever applied for relief from training and service in the United States armed forces or departed from or remained outside the United States to avoid or evade military service? (If answer is Yes, explain) Yes ☐ No ☒

39. Do you intend to enter the United States from Canada, Mexico or an island adjacent to the United States within two years after arrival in Canada, Mexico or such adjacent island? (If answer is Yes, give the name of the transportation company by which you entered or intend to enter Canada, Mexico or such island) Yes ☐ No ☒

40. United States laws governing the issuance of visas require each applicant to state whether or not he is a member of any class of individuals excluded from admission into the United States. The excludable classes are described below. You should read carefully the following paragraphs; your understanding of their content and the answers you give the questions that follow will assist the consular officer to reach a decision on your eligibility to receive a visa.

EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE INELIGIBLE TO RECEIVE AN IMMIGRANT VISA:

(a) Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity; aliens afflicted with psychopathic personality, sexual deviation, a mental defect, narcotic drug addiction, chronic alcoholism, or any dangerous contagious disease; aliens who have a physical defect, disease or disability affecting their ability to earn a living; aliens who are paupers, professional beggars, or vagrants; aliens convicted of a crime involving moral turpitude or who admit committing the essential elements of such a crime, or who have been sentenced to confinement for at least five years in the aggregate for conviction of two or more crimes; aliens who are polygamists, or who practice or advocate polygamy; aliens who are prostitutes, or who have engaged in, benefited financially from, procured or imported persons for the purpose of prostitution, or who seek entry to the United States to engage in prostitution or other commercialized vice, or any immoral sexual act; aliens who seek entry to perform skilled or unskilled labor and who have not been certified by the Secretary of Labor; and aliens likely to become a public charge in the United States.

Do any of the foregoing classes apply to you? Yes ☐ No ☒ (If answer is Yes, explain)

(b) Aliens who seek re-entry within one year of their exclusion from the United States, or who have been arrested and deported from the United States, or removed at Government expense in lieu of deportation, or removed as an alien in distress or as an alien enemy; aliens who procure or attempt to procure a visa or other documentation by fraud or willful misrepresentation; aliens who are not eligible to acquire United States citizenship, or who have departed from or remained outside the United States to avoid United States military service in time of war or national emergency; aliens who have been convicted for violating or for conspiring to violate certain laws or regulations relating to narcotic drugs or marihuana, or who are known or believed to be, or to have been, an illicit trafficker in narcotic drugs or marihuana; aliens seeking entry from foreign contiguous territory or adjacent islands within two years of their arrival therein on a non-signatory carrier; aliens who are unable to read and understand some language or dialect; aliens who, knowingly and for gain, have encouraged or assisted any other alien to enter, or attempt to enter, the United States in violation of law; aliens who are former exchange visitors who have not fulfilled the two-year foreign residence requirement; and aliens who are graduates of foreign medical schools destined to the United States to perform medical services are ineligible for a visa unless they have passed parts I and II of the NBME Exam or an equivalent exam as determined by the Department of Health, Education, and Welfare.

Do any of the foregoing classes apply to you? Yes ☐ No ☒ (If answer is Yes, explain)

(c) Aliens who are, or at any time have been, anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who advocate or teach, or who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (1) opposition to organized government, (2) the overthrow of government by force and violence, (3) the assaulting or killing of government officials because of their official character, (4) the unlawful destruction of property, (5) sabotage, or (6) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; and aliens who seek to enter the United States to engage in prejudicial activities or unlawful activities of a subversive nature.

Do any of the foregoing classes apply to you? Yes ☐ No ☒ (If answer is Yes, explain)

41. Were you assisted in completing this application? (If answer is Yes, give name and address of person assisting you indicating whether relative, friend, travel agent, attorney or other) Yes ☒ No ☐

Name
Melba Majette

Address
1725 Columbia Rd., N.W.
Washington, D.C. 20009

Relationship
Caseworker

OPTIONAL FORM 230 (English) (Formerly FS-510) (Rev. 4-77)

42. The following documents are submitted in support of this application:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Passport | <input checked="" type="checkbox"/> Evidence of own assets | <input checked="" type="checkbox"/> Birth Certificates of unmarried children under age 21 who will not be immigrating at this time (list those for whom birth certificates are not available or whose birth certificates are being submitted at this time in connection with a visa application.) |
| <input checked="" type="checkbox"/> Birth certificate | <input checked="" type="checkbox"/> Affidavit of support | |
| <input checked="" type="checkbox"/> Police certificate(s) | <input checked="" type="checkbox"/> Offer of employment | |
| <input checked="" type="checkbox"/> Marriage certificate | <input checked="" type="checkbox"/> Medical record(s) | |
| <input type="checkbox"/> Death certificate | <input checked="" type="checkbox"/> Photographs | |
| <input type="checkbox"/> Divorce decree | <input type="checkbox"/> Other (describe) | |
| <input type="checkbox"/> Military record | <input checked="" type="checkbox"/> Birth Certificate of Spouse | |

DO NOT WRITE BELOW THE FOLLOWING LINE

The consular officer will assist you in answering parts 43 and 44

43. I claim to be exempt from ineligibility to receive a visa and exclusion under item in part 40 for the following reasons:

- | | | | |
|---|-----------------------------|--|---------------------------------|
| 212(a)(14) | Beneficiary of Waiver under | <input type="checkbox"/> 212(a)(28)(i)(I) | <input type="checkbox"/> 212(e) |
| <input type="checkbox"/> Not Applicable | | <input type="checkbox"/> 212(a)(28)(i)(II) | <input type="checkbox"/> 212(g) |
| <input type="checkbox"/> Attached | | <input type="checkbox"/> 212(b)(1) | <input type="checkbox"/> 212(h) |
| | | <input type="checkbox"/> 212(b)(2) | <input type="checkbox"/> 212(i) |

44. I claim to be a

- ☐ preference immigrant subject to the numerical limitation for (foreign state or dependent area)
- ☐ Special immigrant not subject to limitation
- ☐ Immediate relative of a United States citizen
- My claim is based on the following facts:
- ☐ I am (my is) the beneficiary of a petition.
- ☐ I am a returning resident alien.
- ☐ I derive foreign state chargeability under Section 202(b) through my
- ☐ Other (specify)

I understand that I am required to surrender my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws.

I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may subject me to permanent exclusion from the United States and, if I am admitted to the United States, may subject me to criminal prosecution and/or deportation.

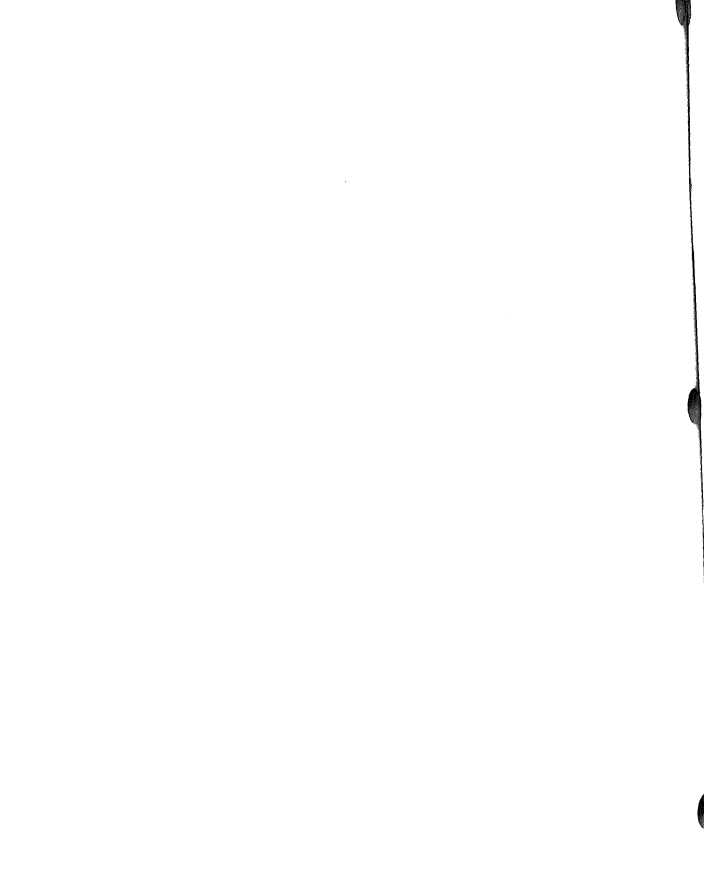
I, the undersigned applicant for a United States immigrant visa, do solemnly swear (or affirm) that all statements which appear in this application have been made by me, including the answers to parts 32 through 41 inclusive, and are true and complete to the best of my knowledge and belief. I do further swear (or affirm) that, if admitted into the United States, I will not engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; in any activity a purpose of which is the opposition to, or the control, or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means.

I understand all the foregoing statements, having asked for and obtained an explanation on every point which was not clear to me.

(Signature of Applicant)

The relationships claimed in items 12 and 13 verified by documentation submitted to consular officer except as noted:

IMMIGRANT VISA



IMMIGRANT VISA AND ALIEN REGISTRATION		IV 6631077
OF: (Family Name) (First Name) (Middle Name)		THE IMMIGRANT <input type="checkbox"/> HAS <input type="checkbox"/> HAS NOT BEEN PREVIOUSLY IN THE UNITED STATES
ACTION BY IMMIGRANT INSPECTOR THE IMMIGRANT NAMED ABOVE ARRIVED IN THE UNITED STATES VIA: (Name of vessel or flight on arrival)		1. U.S. FILE NUMBER, IF KNOWN SEC. 812(d)(1) LABOR CERTIFICATION <input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> ATTACHED <input type="checkbox"/> NOT REQUIRED
INELIGIBILITY FOR VISA WAIVED UNDER SECTION <input type="checkbox"/> 212(a) <input type="checkbox"/> 212(b) <input type="checkbox"/> 212(c) <input type="checkbox"/> 212(d)		
NO. DAY OF BIRTH	COUNTRY OF BIRTH	OCCUPATION
COUNTRY OF LAST RESIDENCE	MARRIAGE STATUS	SEX
FINAL ADDRESS IN THE UNITED STATES STREET ADDRESS CITY, STATE AND ZIP CODE, IF AVAILABLE		NATIONALITY <input type="checkbox"/> M <input type="checkbox"/> F
ACTION OF S.I.O.		ACTION ON APPEAL
		U.S.P.H.S.

This visa is issued under Section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application. Possession of a visa does not entitle the bearer to enter the United States if at the time he seeks to enter he is found to be inadmissible. Upon arrival in the United States, it must be surrendered to a United States Immigration Officer.

AMERICAN AT of the United States of America,	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">IMMIGRANT CLASSIFICATION</td> </tr> <tr> <td colspan="2">CLASSIFICATION SYMBOL</td> </tr> <tr> <td colspan="2">FOREIGN STATE/OTHER AREA LIMITATION</td> </tr> <tr> <td colspan="2">IMMIGRANT VISA NO.</td> </tr> <tr> <td>ISSUED ON</td> <td>(Day) (Month) (Year)</td> </tr> <tr> <td colspan="2">THE VALIDITY OF THIS VISA EXPIRES MIDNIGHT AT THE END OF (Day) (Month) (Year)</td> </tr> <tr> <td colspan="2" style="text-align: center;">PASSPORT</td> </tr> <tr> <td colspan="2">NO.</td> </tr> <tr> <td colspan="2">OR OTHER TRAVEL DOCUMENTS (Describe)</td> </tr> <tr> <td colspan="2">ISSUED TO</td> </tr> <tr> <td colspan="2">BY</td> </tr> <tr> <td colspan="2">ON</td> </tr> <tr> <td colspan="2">EXPIRES</td> </tr> </table>	IMMIGRANT CLASSIFICATION		CLASSIFICATION SYMBOL		FOREIGN STATE/OTHER AREA LIMITATION		IMMIGRANT VISA NO.		ISSUED ON	(Day) (Month) (Year)	THE VALIDITY OF THIS VISA EXPIRES MIDNIGHT AT THE END OF (Day) (Month) (Year)		PASSPORT		NO.		OR OTHER TRAVEL DOCUMENTS (Describe)		ISSUED TO		BY		ON		EXPIRES	
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NOTICE OF DENIAL

Optional Form 194



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Optional Form 194

May 15, 1980

(Date)

Dear Visa Applicant:

This office regrets to inform you that it is unable to issue a visa to you because you have been found ineligible to receive a visa under the following section(s) of the Immigration and Nationality Act:

- ☐ Section 221(g) which prohibits the issuance of a visa to anyone who has failed to present the documents requested in connection with this visa application. If you fail to present the document(s) requested below within one year, your application for an immigrant visa will be cancelled and any petition approved in your behalf will be returned to the Immigration and Naturalization Service.
- ☐ Section 212(a)(15) which prohibits the issuance of a visa to anyone likely to become a public charge.
- ☐ Section 212(a)(9) which prohibits the issuance of a visa to any person who admits committing or has been convicted of an offense involving moral turpitude.
- ☐ Section 212(a)

Further consideration will, however, be given to your visa application if you obtain and present to this office the following document(s):

- 1) Offer of Employment
- 2) Affidavit of Support
- 3) Other Proof of Financial Status

Sincerely,

American Consul

REFUSAL WORKSHEET

Category I
Category II

1. JUSTIFICATION (Give concise summarization of facts on which decision to refuse is based and indicate means whereby such facts were ascertained.)

Nasinder Singh was refused on April 29, 1980 under Section(s)
 (Applicant's name) (date)
 212(a)(15) because:

Has been employed in the United States 4 years - no tax returns presented.
 Is presently unemployed. Does not have sufficient savings or evidence of
 immediate employability. May be overcome with valid job offer.

NOTE: If visa is refused on medical grounds, attach Form OF-157 Continue on reverse side if needed.

2. SIGNATURE AND NAME STAMP OF REFUSING OFFICER

POST:

3. ACTION BY PRINCIPAL OFFICER, DESIGNEE OR CHIEF CONSULAR OFFICER

Waiver requested:

- ☐ Refusal confirmed.
☐ Refusal not confirmed. Case referred to Department for advisory opinion.
☐ Recommended that case be reconsidered for the following reasons:

- ☐ 212(e)
☐ 212(g)
☐ 212(h)
☐ 212(i)

(Date)

(Signature)

4. NOTIFICATION TO APPLICANT

- ☐ OF-194 was mailed (handed) to applicant on _____
☐ Alien notified on _____ that review of refusal indicates that he may be eligible to receive a visa.

(Initials of action officer)

5. FORM OF-183, VISA REFUSAL CARD, SENT TO THE FOLLOWING:

Central clearing office in country of

- ☐ Application. ☐ Department.
☐ Alien's birth. ☐ None.
☐ Alien's nationality. ☐ Entered in AVLOS
☐ Alien's residence.

(Initials of action officer)

(Date)

PHASE III

Naturalization and Citizenship

NATURALIZATION

(Note: This chapter presents information in brief about the fundamental requirements for naturalization and citizenship. For a more detailed explanation, Outreach participants are advised to refer to the "Basic Guide to Naturalization," Form M-230 and "Naturalization Requirements and General Information," Form N-17.)

Naturalization is a process by which a person, formerly not a citizen of a country, becomes a citizen of that country.

LAWFUL PERMANENT RESIDENCE

Generally speaking, an alien must have been lawfully admitted to the United States for permanent residence and have resided as a lawful permanent resident for at least five years to be eligible to apply for United States citizenship. An exception to the law is made in the case of the spouse of a United States citizen, who may be eligible for naturalization after three years. However, to be eligible for naturalization after three years, the alien must have been married to the United States citizen for the entire three years.

AGE REQUIREMENT

A person must be at least eighteen (18) years of age before applying for naturalization. Children under eighteen (18) may be included with the naturalization applications of their parent or parents. If the child's parent or parents are United States citizens, and the child did not derive citizenship automatically, the parent or parents may file an application for naturalization in behalf of the child.

PHYSICAL PRESENCE

An applicant must have been physically present in the United States for at least fifty (50) percent of the time to file for naturalization.

Absences from the United States of a year or longer break the residency period, and the applicant must generally begin again to qualify. A lawful permanent resident sent abroad by certain American organizations may file an application to preserve residence for naturalization purposes on Form N-470 prior to departure in order not to lose the time previously accumulated.

In some cases the time spent abroad may even be counted toward the residency requirement. Filing an N-470 does not, however, excuse the permanent resident from obtaining a re-entry permit in advance of any trips out of the country for a year or longer.

Exceptions to the residency requirement are also made in behalf of alien members of the United States Armed Forces and their spouses and children, and lawful permanent residents who must accompany their United States citizen spouses abroad in connection with their spouses' employment

with the United States government or certain other American organizations. An employee of the United States government abroad, who has filed Form N-470, is considered as being physically present in the United States during the employment abroad. Persons serving abroad in certain religious capacities for religious organizations with an organization in the United States are accorded the same benefits that are granted to government employees.

GOOD MORAL CHARACTER

A naturalization applicant must also be a person of good moral character.

Persons considered not to be of good moral character are barred from citizenship. Habitual drunkards, adulterers, polygamists, persons connected with prostitution or narcotics, gamblers, other criminals, and murderers are classified as not being of good moral character and may not become naturalized. A former member of the Communist Party must wait at least ten (10) years from the time he or she leaves the organization before filing a petition for naturalization.

An applicant for naturalization must give up his or her foreign allegiance and any foreign titles. The applicant must also take an oath, promising to obey the Constitution and laws of the United States.

LITERACY AND EDUCATIONAL REQUIREMENTS

An applicant for naturalization must be able to speak, read, and write simple words in everyday usage in the English language. He or she must be able to sign their name in English, and be familiar with the Constitution and important facts and principles of the government and history of the United States.

However, a person who is over fifty (50) years old on the date of the naturalization examination and has at that time been a lawful permanent resident for at least twenty (20) years may become a citizen even though he or she cannot speak, read, or write English. Every person applying for naturalization, including the aged person mentioned above, must pass an examination showing that he or she knows something about the history and form of government of the United States. There are no exceptions to this requirement. Persons who are fifty (50) years old and have been permanent residents for twenty (20) years may be exempted from the English requirement, but they must pass the civics test, answering questions in a foreign language of their choice.

WITNESSES

When the applicant goes to the examination, he or she will have to bring with him two United States citizen witnesses. The witnesses must be persons who know the applicant well and who have personally seen him or her very often in the locations where the applicant resided. From their

personal knowledge, the witnesses must be able to tell the INS examiner about the applicant's character, loyalty, residence in and absences from the United States, and other matters relating to the applicant's qualifications for naturalization.

The witnesses should have known the applicant during as much of the last five-year period as possible. If the applicant brings to the examination witnesses who have not known the applicant very well and seen him or her very often for the full five-year period, additional citizen witnesses will be needed to cover the rest of the five-year period. Ordinarily, these witnesses will not be required to appear before an INS officer. Instead, the examiner will give the applicant a set of forms to give to the other witnesses, who will complete and return them to the Service.

OTHER EXCEPTIONS

Exceptions to some of the requirements for naturalization are made also for the surviving spouse of a United States citizen military serviceman who dies during a period of honorable and active service, in behalf of children of United States citizens, in behalf of adopted children of United States citizens, and for former United States citizens.

APPLICATION FORMS

Application for naturalization is normally made on Form N-400. Applications in behalf of children are made on Form N-402. In addition, any applicant fourteen (14) years of age or older must submit a set of fingerprints and a completed Form G-325 Biographic Information sheet. All applications must be accompanied by three photographs of the applicant.

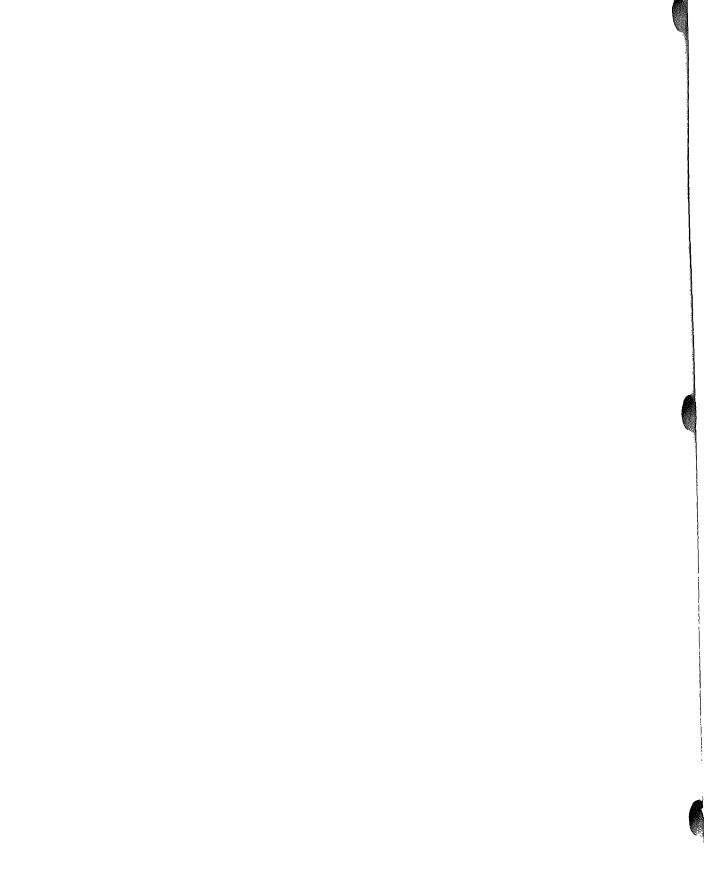
In complex or questionable cases, applicants should be encouraged to contact the nearest INS office or accredited voluntary agency. It should be pointed out to persons eligible for naturalization that more extensive benefits are available to certain family members of citizens than to the same relatives of lawful permanent residents. Long waits for visa number availability may be eliminated in this way. Outreach participants may, however, encounter aliens who, because of property owned in a foreign country or other valid personal reasons, do not wish to become United States citizens.

DERIVATION OR ACQUISITION OF CITIZENSHIP

Many persons are citizens of the United States, often without their knowledge, by virtue of their parents' citizenship or due to treaties or other legal processes.

A common case involves lawful permanent resident children of naturalized United States citizen parents. If both natural parents are naturalized before the children are 18, the children will automatically derive citizenship on the day the last parent is naturalized.

These persons may apply for a Certificate of Citizenship on N-600. Contained in the Appendix are a series of charts that cover grounds and conditions for derivative or acquired citizenship. These charts should be referred to in individual cases. Before the submission of application, it may be wise to have the person contact the Immigration Service for an evaluation of the claim.



INS Sample
Naturalization/Citizenship Forms

INS SAMPLE NATURALIZATION/CITIZENSHIP FORMS

Commonly-used INS naturalization/citizenship forms discussed below are displayed in sample form on the following pages:

Form N-400, Application to File Petition for Naturalization

Form N-400 is used by a lawful permanent resident alien eligible to apply for naturalization as a United States citizen. The alien must have lived in the United States continuously for five years as a permanent resident prior to submitting this application. A permanent resident alien who obtained his/her status of permanent residence through marriage to a United States citizen, and who remained married to his/her United States citizen spouse for the last three years, may be eligible to apply for naturalization after three years of lawful residence in the United States.

Form N-402, Application to Petition for Naturalization in Behalf of Child

Form N-402 is used by one or both of United States citizen parent(s) or citizen adoptive parent(s) who seek to petition for naturalization in behalf of their child. If only one parent files the application, only that parent will be required to file the petition and be present at the final naturalization hearing before the court.

Form N-600, Application for Certificate of Citizenship

Form N-600 is used by or in behalf of a person who claims to have acquired or derived United States citizenship under section 309 (c) or 341 of the I&NA. When submitting Form N-600 be sure to accompany it with all supporting documents and other evidence essential to establish the claimed citizenship, such as birth, marriage, death and divorce certificates.

FORM N-400, APPLICATION TO FILE PETITION FOR NATURALIZATION

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

OMB NO. 1115-0009
Approval Expires 1/31/84

APPLICATION TO FILE PETITION FOR NATURALIZATION

File with:
IMMIGRATION AND NATURALIZATION SERVICE

Read INSTRUCTIONS. BE SURE YOU UNDERSTAND EACH QUESTION BEFORE YOU ANSWER IT. PLEASE PRINT OR TYPE.

Signature of Law (Leave Blank)

My full true and correct name is Viet Hoai Tran

(Full true name without abbreviations)

I now live at 2550 Telegraph Avenue, Apt. 51

Berkeley, Alameda County, California

(City, county, state, zip code)

I was born on November 16, 1950 in Hue Vietnam

(Month) (Day) (Year) (City or town) (Country, province, or state) (Country)

I request that my name be changed to Thomas Tran

Other names I have used are: None

(Include maiden name) Sex: ☐ Male ☐ Female

Was your father or mother ever a United States citizen? ☐ Yes ☒ No
(If "Yes", explain fully)

Can you read and write English? ☒ Yes ☐ No

Can you speak English? ☒ Yes ☐ No

Can you sign your name in English? ☒ Yes ☐ No

My lawful admission for permanent residence was on May 5, 1975 under the name of

Tran Viet Hoai at San Francisco California

(City) (State)

a) I have resided continuously in the United States since May 5, 1975

I have resided continuously in the State of California since May 5, 1975

c) During the last five years I have been physically in the United States for a total of 59 months.

FROM -	TO -	STREET ADDRESS	CITY AND STATE
1975-01-01	1976-01-01	PRESENT TIME	2550 Telegraph Ave., #51 Berkeley, CA
1975-01-15	1976-01-01	2430 Dwight Way #111	Berkeley, CA
1975-01-05	1976-01-15	5910 Newman Ct., #31	Sacramento, CA
1975-01-01	1976-01-01		

(a) Have you been out of the United States since your lawful admission as a permanent resident? ☒ Yes ☐ No
If "Yes", fill in the following information for every absence of less than 6 months, no matter how short it was.

DEPARTED	DATE RETURNED	NAME OF SHIP, OR OF AIRLINE, RAILROAD COMPANY, BUS COMPANY, OR OTHER MEANS USED TO RETURN TO THE UNITED STATES	PLACE OR PORT OF ENTRY THROUGH WHICH YOU RETURNED TO THE UNITED STATES
1975-05-01	1979-03-01	TWA FLT. #463	New York, New York

(b) Since your lawful admission, have you been out of the United States for a period of 6 months or longer? ☐ Yes ☒ No
If "Yes", state "None"; If "Yes", fill in following information for every absence of more than 6 months.

DEPARTED	DATE RETURNED	NAME OF SHIP, OR OF AIRLINE, RAILROAD COMPANY, BUS COMPANY, OR OTHER MEANS USED TO RETURN TO THE UNITED STATES	PLACE OR PORT OF ENTRY THROUGH WHICH YOU RETURNED TO THE UNITED STATES
----------	---------------	--	--

FORM N-400, APPLICATION TO FILE PETITION FOR NATURALIZATION

(2)

(15) The law provides that you may not be regarded as qualified for naturalization, if you knowingly committed certain offenses or crimes, even though you may not have been arrested. Have you ever, in or outside the United States:

- (a) knowingly committed any crime for which you have not been arrested? ☐ Yes ☒ No
- (b) been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance, including traffic regulations? ☒ Yes ☐ No

If you answer "Yes" to (a) or (b), give the following information as to each incident.

WHEN	WHERE (City)	(State)	(Country)	NATURE OF OFFENSE	OUTCOME OF CASE, IF ANY
(a) Mar. '78	San Francisco	CA	USA	illegal left turn	\$22.00
(b)					
(c)					
(d)	No others				
(e)					

(16) List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in any other country or place, and your foreign military service. (If none, write "None.")

(a)	American Association of Engineers, San Francisco, CA	1977	to 1980
(b)		19	to 19
(c)		19	to 19
(d)		19	to 19
(e)		19	to 19
(f)		19	to 19
(g)		19	to 19

- (17) (a) Are you now, or have you ever, in the United States or in any other place, been a member of, or in any other way connected or associated with the Communist Party? (If "Yes", attach full explanation) ☐ Yes ☒ No
- (b) Have you ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person? (If "Yes", attach full explanation) ☐ Yes ☒ No
- (c) Do you now or have you ever advocated, taught, believed in, or knowingly supported or furthered the interests of Communism? (If "Yes", attach full explanation) ☐ Yes ☒ No

(18) During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit, unit of the Nazi Party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control of or affiliated with:

- (a) the Nazi Government of Germany ☐ Yes ☒ No
- (b) any Government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☐ Yes ☒ No

(19) During the period March 23, 1933 to May 8, 1945, did you ever order, incite, assist, or otherwise participate in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☒ No

(20) Have you borne any hereditary title or have you been of any order of nobility in any foreign state? ☐ Yes ☒ No

(21) Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☒ No

(22) Are deportation proceedings pending against you, or have you ever been deported or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☒ No

(23) (a) My last Federal income tax return was filed 1980 (for 1979) year. Do you owe any Federal taxes? ☐ Yes ☒ No

- (b) Since becoming a permanent resident of the United States, have you:
- filed an income tax return as a nonresident? ☐ Yes ☒ No
- failed to file an income tax return because you regarded yourself as a nonresident? ☐ Yes ☒ No

(If you answer "Yes" to (a) or (b) explain fully.)

(24) Have you ever claimed in writing, or in any other way, to be a United States citizen? ☐ Yes ☒ No

(25) (a) Have you ever deserted from the military, air, or naval forces of the United States? ☐ Yes ☒ No

(b) If male, have you ever left the United States to avoid being drafted into the Armed Forces of the United States? ☐ Yes ☒ No

(26) The law provides that you may not be regarded as qualified for naturalization if, at any time during the period for which you are required to prove good moral character, you have been a habitual drunkard; committed adultery; advocated or practiced polygamy; have been a prostitute or procured anyone for prostitution; have knowingly and for gain helped any alien to enter the United States illegally; have been an illicit trafficker in narcotic drugs or marijuana; have received your income mostly from illegal gambling, or have given false testimony for the purpose of obtaining any benefits under this Act. Have you ever, anywhere, been such a person or committed any of these acts? (If you answer yes to any of these, attach full explanation.) ☒ Yes ☐ No

(27) Do you believe in the Constitution and form of government of the United States? ☒ Yes ☐ No

(28) Are you willing to take the full oath of allegiance to the United States? (See Instructions) ☒ Yes ☐ No

(29) If the law requires it, are you willing:

- (a) to bear arms on behalf of the United States? (If "No", attach full explanation) ☒ Yes ☐ No
- (b) to perform noncombatant services in the Armed Forces of the United States? (If "No", attach full explanation) ☒ Yes ☐ No
- (c) to perform work of national importance under civilian direction? (If "No", attach full explanation) ☒ Yes ☐ No

(30) (a) If male, did you ever register under United States Selective Service laws or draft laws? ☐ Yes ☒ No

(b) If "Yes" give date: Selective Service No. Local Board No. Present classification:

(c) Did you ever serve on a commission from military service because of allegiance, conscientious objections, or other reasons? ☐ Yes ☒ No

not applicable

31) If serving or ever served in the Armed Forces of the United States, give branch.....
 from 19..... to 19..... and from 19..... to 19.....
 induced or ☐ enlisted at..... Service No.....
 type of discharge.....; rank at discharge.....
 (Honorable, Dishonorable, etc.)
 reason for discharge.....

Reserve or ☐ National Guard from..... to.....
 32) My occupation is.....
 Engineering Specialist

List the names, addresses, and occupations (or types of business) of your employers during the last 5 years. (If none, write "None.")
 List present employment FIRST.

FROM	TO	EMPLOYER'S NAME	ADDRESS	OCCUPATION OR TYPE OF BUSINESS
a) Jan. 22, 1979	PRESENT TIME	Dept. Water Resources	Sacto, CA	Eng. Specialist
b) June 75, 1975	Dec. 78, 1978	Univ. California	Berkeley, CA	Student
c) 19.....	19.....			
d) 19.....	19.....			

33) Complete this block if you are or have been married.

am..... Single
 (Separated, married, divorced, widowed) The first name of my husband or wife is (was).....
 We were married on..... at..... He or she was born at.....
 on..... He or she entered the United States at (place).....
 on (date)..... for permanent residence and now resides ☐ with me
 apart from me at.....
 (Show full address if not living with you.)
 He or she was naturalized on..... at.....; Certificate No.....
 became a citizen by..... His or her Alien Registration No. is.....

34) How many times have you been married?.....0..... How many times has your husband or wife been married?.....0..... If either of you has been married more than once, fill in the following information for each previous marriage.

DATE MARRIED	DATE MARRIAGE ENDED	NAME OF PERSON TO WHOM MARRIED	SEX	PERSON MARRIED WAS CITIZEN <input type="checkbox"/> ALIEN <input type="checkbox"/>	HOW MARRIAGE ENDED
a) NOT APPLICABLE					
b)					
c)					
d)					

35) I have.....children: (Complete columns (a) to (h) as to each child. If child lives with you, state "with me" in column (h), otherwise give city and State of child's residence.)
 (Number)

(a) Given Names	(b) Sex	(c) Place Born (Country)	(d) Date Born	(e) Date of Entry	(f) Port of Entry	(g) Alien Registration No.	(h) Now Living at
NOT APPLICABLE							

36) READ INSTRUCTION NO. 6 BEFORE ANSWERING QUESTION (36)

want certificates of citizenship for those of my children who are in the U.S. and are under age 18 years that are named below.
 (Do) (Do Not)

Enclose \$15 for each child for whom you want certificates, otherwise, send no money with this application.)

(Write names of children under age 18 years and who are in the U.S. for whom you want certificates)

If present spouse is not the parent of the children named above, give parent's name, date and place of naturalization, and number of marriages.

FORM N-400, APPLICATION TO FILE PETITION FOR NATURALIZATION

(4)

Signature of person preparing form, if other than applicant.		SIGNATURE OF APPLICANT
I declare that this document was prepared by me at the request of applicant and is based on all information of which I have any knowledge.		<i>Viet Hoi Tran</i>
SIGNATURE		ADDRESS AT WHICH APPLICANT RECEIVES MAIL
ADDRESS:		2550 Telegraph Avenue, #51
DATE:		Berkeley, CA 94704
		APPLICANT'S TELEPHONE NUMBER

TO APPLICANT: DO NOT FILL IN BLANKS BELOW THIS LINE.

NOTE CAREFULLY.—This application must be sworn to before an officer of the Immigration and Naturalization Service at the time you appear before such officer for examination on this application.

AFFIDAVIT

I do swear that I know the contents of this application comprising pages 1 to 4, inclusive, and the supplemental forms thereto, No(s) _____, subscribed to by me; that the same are true to the best of my knowledge and belief; that corrections numbered () to () were made by me or at my request; and that this application was signed by me with my full, true, and correct name, **SO HELP ME GOD.**

Subscribed and sworn to before me by applicant at the preliminary investigation () at _____ day of _____, 19_____. I certify that before verification the above applicant stated in my presence that he/she had (heard) read the foregoing application, corrections therein and supplemental form(s) and understood the contents thereof.

(Complete and true signature of applicant)

(Naturalization examiner)

(For demonstration of applicant's ability to write English)

(1st witness. Occupation)

(2nd witness. Occupation)

Nonfiled

(Date, Reason)

NOTICE TO APPLICANTS:

Authority for collection of the information requested on this form and those forms mentioned in the instructions thereto is continued in Sections 328, 329, 332, 334, 335 or 341 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1439, 1440, 1443, 1445, 1446 or 1452). Submission of the information is voluntary inasmuch as the immigration and nationality laws of the United States do not require an alien to apply for naturalization. If your Social Security number is omitted from a form, no right, benefit or privilege will be denied for your failure to provide such number. However, as military records are indexed by such numbers, verification of your military service, if required to establish eligibility for naturalization, may prove difficult. The principal purposes for soliciting the information are to enable designated officers of the Immigration and Naturalization Service to determine the admissibility of a petitioner for naturalization and to make appropriate recommendations to the naturalization courts. All or any part of the information solicited may, as a matter of routine use, be disclosed to a court exercising naturalization jurisdiction and to other federal, state, local or foreign law enforcement or regulatory agencies, Department of Defense, including any component thereof, the Selective Service System, the Department of State, the Department of the Treasury, Central Intelligence Agency, Interpol and individuals and organizations in the processing of the application or petition for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its function. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature may be referred, as routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide any or all of the solicited information may result in an adverse recommendation to the court as to an alien's eligibility for naturalization and denial by the court of a petition for naturalization.

FORM N-600, APPLICATION FOR CERTIFICATE OF CITIZENSHIP

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

APPLICATION FOR CERTIFICATE OF CITIZENSHIP

FEE STAMP

Form approved
OMB No. 1116-0018

or mail this application to:
IMMIGRATION AND NATURALIZATION SERVICE

Date November 8, 1978

nt or type) EDMUNDO MIGUEL HOFFMAN-RUEDA nee
(Full True Name, without Abbreviations)
1935 - C Colony Street
(Apartment number, Street address, and, if applicable, "in care of")
Mt. view Sta., Clara, CA 94043
(City) (County) (State) (ZIP Code)
No phone
(Telephone Number)

ALIEN REGISTRATION

No.

(SEE INSTRUCTIONS. BE SURE YOU UNDERSTAND EACH QUESTION BEFORE YOU ANSWER IT.)

I hereby apply to the Commissioner of Immigration and Naturalization for a certificate showing that I am a citizen of the
United States of America.

was born in Mexico, D.F., Mexico on December 8, 1967
(City) (State or country) (Month) (Day) (Year)

My personal description is: Sex Male; complexion Fair; color of eyes Green; color of hair Blond;
at 4 feet 6 inches; weight 82 pounds; visible distinctive marks None

Marital status: ☒ Single; ☐ Married; ☐ Divorced; ☐ Widow(er).

arrived in the United States at New Orleans, LA on January 13, 1968
(City and State) (Month) (Day) (Year)

the name Edmundo Miguel Hoffman by means of Eastern Airlines
(Name of ship or other means of arrival)

U.S. Passport No. issued to me at on
an Immigrant Visa. ☒ Other (specify) Consular Report of Birth Abroad (Month) (Day) (Year)

FILL IN THIS BLOCK ONLY IF YOU ARRIVED IN THE UNITED STATES BEFORE JULY 1, 1924.

My last permanent foreign residence was NOT APPLICABLE
(City) (Country)

I took the ship or other conveyance to the United States at
(City) (Country)

I was coming to at
(Name of person in the United States) (City and State where this person was living)

I traveled to the United States with
(Names of passengers or relatives with whom you traveled, and their relationship to you, if any)

have you been out of the United States since you first arrived? ☒ Yes ☐ No. If "Yes" fill in the following information
very absence.

DEPARTED	DATE RETURNED	NAME OF AIRLINE, OR OTHER MEANS USED TO RETURN TO THE UNITED STATES	PORT OF RETURN TO THE UNITED STATES
<u>2/69</u>	<u>8/29/69</u>	<u>Auto</u>	<u>Calexico, CA</u>
<u>4/72</u>	<u>5/3/72</u>	<u>Western Airlines</u>	<u>Los Angeles, CA</u>

~~8980~~ (have not) filed a petition for naturalization.

ave", attach full explanation.)

THE APPLICANT.—Do not write between the double lines below. Continue on next page.

ARRIVAL RECORDS EXAMINED
Index
books
tests

ARRIVAL RECORD FOUND
Place Date
Name
Manner
Marital status Age
(Signature of person making search)

FORM N-600, APPLICATION FOR CERTIFICATE OF CITIZENSHIP

(CONTINUE HERE)

(7) I claim United States citizenship through my (check whichever applicable) ☒ father; ☐ mother; ☐ both parents;

☐ adoptive parent(s) ☐ husband

(8) My father's name is James Michael Hoffman; he was born on July 21, 1941
(Month) (Day) (Year)
 at Chelsea, Massachusetts, USA; and resides at 1935-C Colony Street, Mt. View, CA
(City) (State or country) (Street address, city, and State or country. If dead, write

"dead" and date of death.) He became a citizen of the United States by ☒ birth; ☐ naturalization on
(Month) (Day) (Year)

in the Certificate of Naturalization No.
(Name of court, city, and State)

☐ through his parent(s), and (was) (was not) issued Certificate of Citizenship No. A or AA

(If known) His former Alien Registration No. was NOT APPLICABLE

He ~~(has)~~ (has not) lost United States citizenship. (If citizenship lost, attach full explanation.)

He resided in the United States from 1941 to 1965; from 1968 to Pres.; from to ;
(Year) (Year) (Year) (Year) (Year) (Year)
 from to ; from to ; I am the child of his first marriage.
(Year) (Year) (Year) (Year) (1st, 2d, 3d, etc.)

(9) My mother's present name is Maria Eva Hoffman; her maiden name was M. E. Rueda-Sandoval;

she was born on June 13, 1944; at Nueva Italia, Michoacan, Mexico; she resides
(Month) (Day) (Year) (City) (State or country)

at 1935-C Colony Street, Mt. View, CA. She became a citizen of the United States
(Street address, city, and State or country. If dead, write "dead" and date of death.)

by ☐ birth; ☒ naturalization under the name of NOT APPLICABLE

on in the
(Month) (Day) (Year) (Name of court, city, and State)

Certificate of Naturalization No. ; ☐ through her parent(s), and (was) (was not) issued Certificate

of Citizenship No. A or AA . (If known) Her former Alien Registration No. was A18 152 660

She ~~(has)~~ (has not) lost United States citizenship. (If citizenship lost, attach full explanation.)

She resided in the United States from 1968 to Pres.; from to ; from to ; from to ;
(Year) (Year) (Year) (Year) (Year) (Year) (Year) (Year)
 to ; from to ; I am the child of her first marriage.
(Year) (Year) (Year) (1st, 2d, 3d, etc.)

(10) My mother and my father were married to each other on Dec. 29, 1965 at Morelia, Mich., Mexico
(Month) (Day) (Year) (City) (State or country)

(11) If claim is through adoptive parent(s): NOT APPLICABLE
 I was adopted on in the
(Month) (Day) (Year) (Name of Court)

at before I was 16 years of age by my
(City or town) (State) (Country) (mother, father, parents)

(12) My ~~(father)~~ NECRO served in the Armed Forces of the United States from April 2, 1976
(Date)
 to Present and (was) NECRO honorably discharged.
(Date)

(13) I ~~(have)~~ (have not) lost my United States citizenship. (If citizenship lost, attach full explanation.)

(14) I submit the following documents with this application:

Nature of Document

Names of Persons Concerned

Birth Certificate
Birth Certificate
Marriage Certificate
School Records

My own
James Michael Hoffman, my father
Jim Hoffman & M. E. Rueda, my parents
Jim Hoffman, my father

FORM N-600, APPLICATION FOR CERTIFICATE OF CITIZENSHIP

(15) Fill in this block if your brother, sister, mother or father ever applied to the Immigration Service for a certificate of citizenship.

NAME OF RELATIVE	RELATIONSHIP	Date of Birth	WHEN APPLICATION SUBMITTED	CERTIFICATE No. AND FILE No., IF KNOWN, AND LOCATION OF OFFICE
NOT APPLICABLE				

(16) Fill in this block only if you are now or ever have been a married woman. I have been married time(s), as follows: (1, 2, 3, etc.)

DATE MARRIED	NAME OF HUSBAND	CITIZENSHIP OF HUSBAND	IF MARRIAGE HAS BEEN TERMINATED:	
			Date Marriage Ended	How Marriage Ended (Death or divorce)
NOT APPLICABLE				

(17) Fill in this block only if you claim citizenship through a husband. (Marriage must have occurred prior to September 22, 1922.)

Name of citizen husband NOT APPLICABLE; he was born on (Month) (Day) (Year)
 (Give full and complete name)
 at (City) (State or country) and resides at (Street address, city, and State or country. If dead, write "dead" and date of death.)
 He became a citizen of the United States by ☐ birth; ☐ naturalization on (Month) (Day) (Year)
 in the Certificate of Naturalization No.
 (Name of court, city, and State)
☐ through his parent(s), and (was) (was not) issued Certificate of Citizenship No. A or AA
 He (has) (has not) since lost United States citizenship. (If citizenship lost, attach full explanation.)
 I am of the race. Before my marriage to him, he was married time(s), as follows: (1, 2, 3, etc.)

DATE MARRIED	NAME OF WIFE	IF MARRIAGE HAS BEEN TERMINATED:	
		Date Marriage Ended	How Marriage Ended (Death or divorce)

(18) Fill in this block only if you claim citizenship through your stepfather. (Applicable only if mother married U.S. Citizen prior to September 22, 1922.)

The full name of my stepfather is NOT APPLICABLE; he was born on (Month) (Day) (Year)
 at (City) (State or country) and resides at (Street address, city, and State or country. If dead, write "dead" and date of death.)
 He became a citizen of the United States by ☐ birth; ☐ naturalization on (Month) (Day) (Year)
 in the Certificate of Naturalization No.
 (Name of court, city, and State)
☐ through his parent(s), and (was) (was not) issued Certificate of Citizenship No. A or AA
 He (has) (has not) since lost United States citizenship. (If citizenship lost, attach full explanation.)
 He and my mother were married to each other on (Month) (Day) (Year) at (City and State or country)
 My mother is of the race. She (was) (was not) issued Certificate of Citizenship No. A
 Before marrying my mother, my stepfather was married time(s), as follows: (1, 2, 3, etc.)

DATE MARRIED	NAME OF WIFE	IF MARRIAGE HAS BEEN TERMINATED:	
		Date Marriage Ended	How Marriage Ended (Death or divorce)

(19) I ~~XXXXX~~ (have not) previously applied for a certificate of citizenship on (Date) at (Office)

Signature of person preparing form. If other than applicant, I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

SIGNATURE: James Michael Hoffman
 DATE: 11/8/79

562 Market, R. 518

(SIGN HERE) Edmund Miguel Hoffman
 (Signature of applicant or parent or guardian)

FORM N-402, APPLICATION TO PETITION FOR NATURALIZATION IN BEHALF OF CHILD

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Form approved,
OMB No. 43-R0081.

APPLICATION TO FILE PETITION FOR NATURALIZATION IN BEHALF OF CHILD

Under Section 322 of the Immigration and Nationality Act

Take or Mail to:
IMMIGRATION AND NATURALIZATION SERVICE.

CHILD'S NAME AND ALIEN REGISTRATION NUMBER

Name
No.

Date 19.....

I (We), the undersigned, desire that a petition for naturalization be filed in behalf of my (our) child.

(1) My full, true, and correct name is
(Full, true name of citizen parent or citizen adoptive parent, without abbreviations)

(2) My present place of residence is
(Apt. No.) (Number and street) (City or town) (County) (State) (ZIP Code)

(3) I am a citizen of the United States of America and was born on In
(Month) (Day) (Year) (City, State, and Country)

(If not a native-born citizen) I was naturalized on at
(Month) (Day) (Year) (City and State)

certificate No., or I became a citizen of the United States through

(Is the child's other parent a citizen of the United States? ☐ Yes ☐ No)

(Complete (1a) to (3a) only if second parent wishes to join in application)

(1a) My full, true, and correct name is
(Full, true name of second citizen parent or citizen adoptive parent, without abbreviations)

(2a) My present place of residence is
(Apt. No.) (Number and street) (City or town) (County) (State) (ZIP Code)

(3a) I am a citizen of the United States of America and was born on in
(Month) (Day) (Year) (City, State, and Country)

(If not a native-born citizen) I was naturalized on at
(Month) (Day) (Year) (City and State)

certificate No., or I became a citizen of the United States through

(4) I am (We are) the parent(s) of
(Full, true name of child, without abbreviations)

in whose behalf this application for naturalization is filed.

(5) The said child now resides with me (us) at
(Apt. No.) (Number and street) (City or town)

..... is and is a citizen, subject, or national of
(County) (State) (ZIP Code) (Married) (Single)

(6) The said child was born on in
(Month) (Day) (Year) (City and Country)

(7) The said child was lawfully admitted to the United States for permanent residence on at
(Month) (Day) (Year)

..... under the name of
(City) (State)

..... and does intend to reside permanently in the United States.

(8) I (We) desire the naturalization court to change the name of the child to
(Give full name desired, without abbreviations)

(9) If application is in behalf of an adopted child:

I (We) adopted said child on in the
(Month) (Day) (Year) (Name of court)

..... before the child was 16 years of age.
(City or town) (State) (Country)

The said child has resided continuously in the United States with me (us) in my (our) legal custody since
(Month) (Day) (Year)

Appendix

GROUND FOR EXCLUSION FROM THE UNITED STATES

Exclusion provisions, as defined by the Immigration and Nationality Act, may occur in the following cases:

1. Before entry, when a consular officer denies a visa application based on one of the grounds of exclusion.
2. At a port of entry, when an immigration inspector determines that the alien is excludable and denies the alien admission; note that the inspector is authorized to take this action, despite the fact that the alien may have been issued a visa.
3. After entry, when an alien, previously admitted, is subjected to deportation proceedings on the basis that the alien was excludable at the time of entry or reentry.

An alien found inadmissible will be referred to an immigration inspector for further examination or deferred inspection. Although an alien subject to deferred inspection may be physically present in the United States pending further disposition of the case, nevertheless, the alien is not considered legally admitted to this country. According to the procedure, the case may be resolved at the deferred inspection with the alien being admitted or detained pending the outcome of an exclusionary hearing.

The presentation of appropriate documents does not entitle any alien to enter the United States if he or she falls within any of the classes excludable by law. It is important to emphasize, however, that the exclusion provisions do not apply to United States citizens.

Of the thirty-three classes of excludable aliens listed in Section 212(a), twenty-two relate to classes of aliens considered personally undesirable. The first six of these are in Sections 212(a)(1) through 212(a)(6) and concern aliens who are physically or mentally deficient. They are as follows:

- (1) Aliens who are mentally retarded;
- (2) Aliens who are insane;
- (3) Aliens who have had one or more attacks of insanity;
- (4) Aliens who are afflicted with psychopathic personality, sexual deviation, or mental defect;
- (5) Aliens who are drug addicts or chronic alcoholics;
- (6) Aliens who are afflicted with any dangerous contagious disease.

The exclusion of aliens under the above paragraphs (1) through (6) can be done only on the basis of a Class "A" certificate issued by the Public Health Service.

The next three undesirable classes are based on economic factors and are listed in Sections 212(a)(7),(8), and (15) as follows:

- (7) Aliens who have a physical defect that may affect their ability to earn a living;
- (8) Aliens who are paupers, professional beggars or vagrants;
- (15) Aliens who are likely to become a public charge.

Two other grounds for exclusion, similar to the classes based on economic considerations, are found in Sections 212(a)(14) and (32):

- (14) Aliens whose employment in the United States may adversely affect similarly employed United States citizens or lawful permanent resident aliens;
- (32) Aliens who are graduates of a medical school not accredited by the Commissioner of Education and are coming to the United States principally to perform services as members of the medical profession, except those aliens who have passed parts I and II of the National Board of Medical Examiners Examination or an equivalent examination and who are competent in oral and written English.

The above (32) is only a brief description of this ground for exclusion. Because this portion of the law relates primarily to aliens seeking third or sixth preference classification, it is very lengthy and contains several exemptions, such as family members accompanying or following to join a principal alien. Outreach participants are encouraged to refer cases falling under this general exclusion to the Service.

The exclusion of an alien under (7) is based on a Class "B" certificate issued by the Public Health Service. Only certain specified classes of immigrants are excludable under (14). Generally, aliens in those specified classes who are seeking employment in the United States must obtain a certification from the Secretary of Labor that the employment will not adversely affect the United States labor market.

The next seven undesirable classes are based on criminal or immoral grounds and listed in Sections 212(a)(9) through (13) and in Sections 212(a)(23) and (33).

- (9) Aliens who have committed a crime involving moral turpitude;
- (10) Aliens who have been convicted of two or more offenses for which the aggregate sentences of confinement actually imposed were five years or more;

- (11) Aliens who are polygamists or who practice or advocate polygamy;
- (12) Aliens who are prostitutes or connected with prostitution or unlawful commercialized vice;
- (23) Aliens who have been convicted of violation of a narcotics law or are engaged in illicit traffic of narcotics;
- (33) Aliens who were Nazis or Nazi collaborators or who worked for Nazi allies and who ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

The ground for exclusion in (33) was added by P.L. 95-549, effective October 1, 1978. It is not waivable

Many decisions have been published establishing standards and guidelines in determining "crimes," "moral turpitude," "admission of crimes," "prostitution," "immoral sex act," "narcotics," etc. These decisions are available in immigration offices and may be discussed in more detail with an officer of the Immigration Service, an accredited voluntary agency or an experienced immigration attorney.

Polygamists who enter the United States as nonimmigrants are exempted from Section 212(a)(11).

The next undesirable class, found in Section 212(a)(25), is based on illiteracy:

- (25) Aliens over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect.

Lawful permanent residents returning from a temporary visit abroad are exempted from Section 212(a)(25). There are several other exemptions, such as nonimmigrants and aliens with close family ties in the United States.

The next three undesirable classes are found in Sections 212(a)(27) through (29) and relate to subversives or aliens whose entry would be contrary to the best interests of the United States. These classes are as follows:

- (27) Aliens who seek to enter the United States to engage in activities prejudicial to the public interest;
- (28) Aliens who are, or at any time have been, Communists or subversives;
- (29) Aliens who might engage in espionage, sabotage, public disorder, or in other subversive activity.

- (31) Aliens, who for gain, smuggle or assist other aliens to enter the United States in violation of law.

The above section of law has particular application along our land borders because of the activity of known smugglers in nearby countries.

The next five classes of aliens are excludable because of improper manner of arrival and are found in Sections 212(a)(16), (17), (18), (24), and (30). These classes are:

- (16) Aliens who have been excluded and deported within the past year;
- (17) Aliens who have been arrested and deported;
- (18) Aliens who are stowaways;
- (24) Aliens who arrived in adjacent islands or contiguous territories on nonsignatory carriers;
- (30) Aliens accompanying other aliens who have been ordered excluded and deported.

Aliens who fall within (16) and (17) may overcome their inadmissibility by obtaining permission from the Attorney General to reapply for admission. Alien nonimmigrant stowaways found on board are not entitled to an exclusion hearing before an immigration judge. Section 212(a)(24) is not applicable to aliens seeking entry as nonimmigrants.

Aliens who are excludable for documentary reasons, fall within the next four classes listed in Sections 212(a)(19), (20), (21), and (26). These classes are as follows:

- (19) Aliens who have obtained visas or other documents by fraud;
- (20) Alien immigrants who at time of application for admission do not have proper documents;
- (21) Alien immigrants who have visas that are not issued in compliance with Section 203 of the Immigration and Nationality Act;
- (26) Alien nonimmigrants who are not in possession of proper documents.

Paragraphs (20) and (26) are brought into use more than any other sections. However, there are provisions for waiver of documents that may be applied to correct the majority of cases. Section 212(a)(21) is rarely found applicable as a ground of exclusion. Section 212(a)(19) has resulted in a number of published decisions establishing standards and guidelines.

The last of the listed classes in Section 212(a) is in Section 212(a)(22) and is based on ineligibility for citizenship. It is:

- (22) Aliens who are ineligible for citizenship or who have evaded service or training in the armed forces of the United States.

The above section of law embraces those aliens who apply for exemption or discharge from training or service in the armed forces on the ground of alienage and who are thus relieved or discharged as a result of the application.

It is important to note that diplomats and international organization immigrants properly documented under classifications A-1, A-2, G-1, G-2, G-3, or G-4 are exempt from practically all of the above exclusionary provisions.

All thirty-three paragraphs of Section 212(a) have been discussed in brief. It must be stressed there are many exceptions, exemptions, and waivers that may be applicable in any given cases. This is why aliens thought to be excludable should be referred to an INS officer, an accredited voluntary agency, or an experienced immigration attorney.

APPENDIX J

SECONDARY EVIDENCE

INTRODUCTION

Primary evidence of relationships (e.g. birth, marriage, death certificates) are either not available or extremely difficult to obtain in several countries. (See Operations Instructions, Section 204.2(a)). Petitions for relatives from these countries are often referred to as "secondary evidence" petitions. The following suggested approach is offered to make the preparation of these petitions as efficient and complete as possible. If followed, the approach should save time and avoid unnecessary interviews and delays.

It is important to repeat here that this procedure is intended for use in secondary evidence cases. If primary evidence of the relationship is available, the following steps are not necessary.

SUGGESTED PROCEDURE

Step 1

- Complete Form I-130.
- Whenever possible, indicate information requested in clear, simple language.

Step 2

Execute a family history statement. The petitioner should execute a complete family history statement indicating births and marriages of the entire immediate family.

Step 3

Execute two affidavits of relationship. The petitioner should have two friends or relatives execute affidavits of relationship. Only friends or relatives who are personal acquaintances of both the petitioner and the beneficiary should be used if the affidavits are to be given any credibility.

Step 4

Obtain documents from the civil registrars of the beneficiary's native country. Occasionally, local civil registrars or people's courts in the beneficiary's native country or village will issue documents from local registries or from delayed information. The beneficiary or friends or relatives still residing in the relevant country may be able to request these documents in person.

Step 5

Obtain documents from third countries or territories. Often the petitioner or beneficiary has resided in a country or territory other than the United States and the native country. If so, documents from the third country may be available which contain information proving the relationship. For example, natives of mainland China who reside in Hong Kong usually apply for Hong Kong identity cards. Information from the application is obtainable in the form of a Certificate of Registered Particulars available from Hong Kong officials.

Step 6

Gather other forms of secondary evidence. Other documents or items that tend to prove the relationship should be prepared and labeled. Examples of this evidence include family photographs featuring the petitioner and the beneficiary in the same photograph, school records, previously prepared statutory declarations and affidavits, receipts of monetary gifts, and family correspondence.

Step 7

Translate all non-English documents.

Step 8

File Form I-130 with all the documents gathered (certified copies preferably) along with the filing fee and proof of the petitioner's immigration status.

Some district offices, experienced in adjudicating secondary evidence petitions, may accept petitions without the supporting evidence on the condition that secondary evidence will be brought to the interviews. The advantage of filing a petition in this way is to obtain an earlier priority date for the alien. If a delay is anticipated in gathering and assembling secondary evidence, practitioners should first discuss the case with an INS officer to determine if the case can be filed immediately, with the secondary evidence submitted soon thereafter.

Step 9

Attend the INS interview. Often, an interview is scheduled to discuss the petition, secondary evidence, and possibly discrepancies in relating files. Interviews should not be scheduled, however, if there is ample supporting evidence and/or the petitioner's file or the files of other relatives are consistent with the relationship in issue.

Step 10

Satisfy the optional requirement of a blood test. Occasionally, if there is not sufficient secondary evidence or information in relating files, INS may condition final approval of the petition upon consistent blood tests of the petitioner and beneficiary.

The above procedure may vary in some respects from district to district. The INS should be consulted for information or local policy. It is possible that a petition can be approved without supporting evidence if relating files are consistent or contain other sufficient secondary evidence.

The test for approval of a secondary evidence petition is one of reasonableness. The examples presented in this chapter are not all inclusive; rather, practitioners should rely on their experience to develop other convincing items of evidence.

CLASSES OF NONIMMIGRANTS

<u>SYMBOL</u>	<u>CLASSES OF NONIMMIGRANTS</u>	<u>MAXIMUM ADMISSION</u>
A-1, 2	Foreign government officials, employees, and their families	Duration of status
A-3	Employees of A-1 or A-2 alien and their families	One year
B-1, 2	Visitors for business or pleasure	One year
C-1, 3	Aliens in transit through the United States	Necessary time, not to exceed 29 days
C-2	Aliens in transit to U.N. headquarters	Duration of status in transit to U.N.
DROV	Transit without visa	Next available flight
D-1	Crewmen remaining with vessel or aircraft	Time carrier in port, not to exceed 29 days
D-2	Crewmen discharged from vessel or aircraft	Not to exceed 29 days from arrival
E-1, 2	Treaty traders	One year
F-1, 2	Students and their families	Until date of expected completion of course of study as indicated on Form I-20
G-1, 2, 3, 4	Representatives of international organizations and their families	Duration of status
G-5	Employees of G-1, 2, 3, 4 and their families	One year
H-1	Temporary workers of distinguished merit	Up to one year, not to exceed validity of visa petition
H-2	Temporary worker	
H-3	Trainee	
I-4	Spouse and minor children, accompanying or following to join H-1, H-2, or H-3	Up to one year, to coincide with admission of H-1, H-2, or H-3
I	Foreign information representatives and their families	One year

<u>SYMBOL</u>	<u>CLASSES OF NONIMMIGRANTS</u>	<u>MAXIMUM ADMISSION</u>
J-1, 2	Exchange visitors and families	One year
K-1, 2	Fiance(e)s and their children	90 days
L-1	Intra-company transferees	Up to three years; not to exceed validity of visa petition
L-2	Spouse and minor children accompanying or following to join L-1	Up to three years, to coincide with L-1 admission
NATO 1, 2, 3, 4	NATO representatives and families	Duration of status
NATO 5, 6, 7	Employees of NATO representatives and their families	One year

For further information on the above nonimmigrant categories, refer to the Immigration and Nationality Act, 101(a)(15)(A) through (L) for definitions. See 8 CFR for details and Operations Instructions for procedures.

The following classes of aliens are authorized to be employed in the United States as a condition of their admission or subsequent change to one of the indicated classes. It is not necessary, therefore, for these aliens to request permission to work from the INS. The classes of aliens are:

1. A lawful permanent resident alien.
2. An alien who had been permitted conditional entry under an old section of the I&NA -- Section 203(a)(7); this section was superseded by PL 96-212 enacted April 1, 1980.
3. An alien paroled into the United States as a refugee.
4. An alien who has been granted asylum.
5. An alien who has been admitted as a nonimmigrant fiance or fiancée.
6. An alien admitted in one of the following classifications or whose status has been changed to such classification under section 247 or 248 of the Act:
 - a. A foreign government official (A-1) or (A-2).
 - b. An employee of a foreign government official (A-3).
 - c. A nonimmigrant visitor for business (B-1).
 - d. A nonimmigrant crewman (D-1).
 - e. A nonimmigrant treaty trader or investor (E-1) or (E-2).
 - f. A representative of an international organization (G-1), (G-2), (G-3), or (G-4).
 - g. A personal servant of an employee or representative of an international organization (G-5).
 - h. A temporary worker or trainee (H-1), (H-2), or (H-3).
 - i. An information media representative (I).
 - j. An exchange visitor (J-1).
 - k. An intra-company transferee (L-1).

Other classes of aliens may apply for permission to work from the district director in whose district the alien resides: These aliens are:

1. Any alien maintaining a lawful nonimmigrant status in one of the following classes:

- b. An alien nonimmigrant student (F-1).
 - c. An alien spouse or unmarried dependent son or daughter of an officer or employee of an international organization (G-4).
 - d. An alien spouse of an exchange visitor (J-2).
- 2. Any alien who has filed a non-frivolous application for asylum may be granted permission to be employed for the period of time necessary to decide the case.
 - 3. Any alien who has properly filed an application for adjustment of status to permanent resident alien may be granted permission to be employed for the period of time necessary to decide the case.
 - 4. Any alien paroled into the United States temporarily for emergent reasons deemed strictly in the public interest, provided the alien establishes an economic need to work.
 - 5. Any alien who has applied to an immigration judge for suspension of deportation pursuant to section 244 of the Act may be granted permission to be employed for the period of time necessary to decide the case, provided the alien establishes an economic need to work.
 - 6. Any deportable alien granted voluntary departure, either prior to hearing or after hearing, may be granted permission to be employed for that period of time prior to the date set for voluntary departure, including any extension extended beyond such date. Factors which may be considered in granting employment authorization to an alien granted voluntary departure are:
 - a. Length of voluntary departure granted;
 - b. Dependent spouse and/or children in the United States who rely on the alien for support;
 - c. Reasonable chance that legal status may ensue in the near future; and
 - d. Reasonable basis for consideration of discretionary relief.
 - 7. Any alien in whose case the district director recommends consideration of deferred action, an act of administrative convenience to the government which gives some cases lower priority; provided the alien establishes to the satisfaction of the district director that he/she is financially unable to maintain himself/herself and family without employment.

The Income Poverty Guidelines (See Phase II, Visa Processing Abroad) shall be used as the basic criteria to establish economic necessity for employment authorization requests where the alien's need to work is a factor. The applicant shall submit a signed statement listing his/her assets, income, and expenses or evidence of his/her economic need to work. Permission to work granted on the basis of the applicant's statement may be revoked upon a showing that the information contained in the statement was not true and correct.

Revocation of Employment Authorization

It should be emphasized that while the district director may grant an alien permission to work, the district director, under certain circumstances, may revoke the employment authorization.

The district director can take this action when one or more of the conditions upon which the work authorization was granted no longer exists, e.g., a student is no longer attending school and is therefore out of status. When the district director determines that the employment authorization should be revoked, he or she serves the alien with a notice explaining the intention to revoke the permission and the reasons for that intention. According to the procedure, the alien is given a period of 15 days to submit evidence why the authorization should not be revoked. Upon consideration of this evidence, the district director will make a decision on the matter, which is final and not subject to appeal.

LIST OF INS OFFICES

Voluntary agency counsellors and interested persons may obtain further information or needed forms by calling or writing the INS offices listed below. In complex cases, please visit the INS office in your area to discuss the matter in detail with a Service officer.

DISTRICT OFFICES

The addresses below should be preceded with "U.S. Immigration Service."

Federal Building, U. S. Courthouse 101 C Street, Room D-229 Anchorage, Alaska 99513 07/271-5029	Room 6A21, Federal Building 1100 Commerce Street Dallas, Texas 75242 214/767-0514
Richard B. Russell Federal Building 15 Spring St., S.W., Room 1408 Atlanta, Georgia 30303 404/221-5158	1787 Federal Office Building 1961 Stout Street Denver, Colorado 80202 303/837-3525
Samuel A. Garmatz Federal Building 100 S. Hanover Street Baltimore, Maryland 21201 410/962-2010	Federal Building 333 Mt. Elliott Detroit, Michigan 48207 313/226-3240
John Fitzgerald Kennedy Federal Building Government Center Boston, Massachusetts 02203 617/223-2343 or 2344	343 U.S. Courthouse P.O. Box 9398 El Paso, Texas 79984 915/543-7600 or 7601
13 Court Street Buffalo, New York 14202 716/846-4742	2102 Teege Road Harlingen, Texas 78550 512/425-7333
Markens Federal Office Building 19 S. Dearborn Street Chicago, Illinois 60604 312/353-7334	900 Asylum Avenue Hartford, Connecticut 06105 203/244-2659 or 2699
Anthony J. Celebrezze Federal Building 240 E. 9th St., Room 1917 Cleveland, Ohio 44199 216/522-4770	Federal Building 301 S. Park, Room 512 Drawer 10036 Helena, Montana 59626 406/449-5288

P. O. Box 461
595 Ala Moana Boulevard
Honolulu, Hawaii 96809
808/546-8979 or 8980

Federal Building
2627 Caroline
Houston, Texas 77004
713/226-4251

324 E. Eleventh Street
Suite 1100
Kansas City, Missouri 64106
816/374-3421

300 N. Los Angeles Street
Los Angeles, California 90012
213/688-2780

155 S. Miami Avenue
Miami, Florida 33130
305/350-5741

Federal Building
970 Broad Street
Newark, New Jersey 07102
201/645-3350

Postal Services Building
701 Loyola Avenue
New Orleans, Louisiana 70113
504/589-6533

26 Federal Plaza
New York, New York 10007
212/349-8735

Federal Office Building, Room 1008
106 S. 15th Street
Omaha, Nebraska 68102
402/221-4651

Room 1321 U. S. Courthouse
Independence Mall West
601 Market Street
Philadelphia, Pennsylvania 19106
215/597-7305

Federal Building
230 N. 1st Avenue
Phoenix, Arizona 85025
602/261-3122, 3114 or 3115

76 Pearl Street
Portland, Maine 04112
207/780-3352

Federal Office Building
511 N. W. Broadway
Portland, Oregon 97209
503/221-2271

Federal Building
P. O. Box 328
St. Albans, Vermont 05478
802/524-6742 or 6743

180 East Kellogg Boulevard
927 New Post Office Building
St. Paul, Minnesota 55101
612/725-7108

U. S. Federal Building
727 E. Durango, Suite A301
San Antonio, Texas 78206
512/229-6350

880 Front Street
San Diego, California 92188
714/293-6250

Appraisers Building
630 Sansome Street
San Francisco, California 94111
415/556-2070

G.P.O. 5068
San Juan, Puerto Rico 00936
809/753-4329, 4379 or 4380

815 Airport Way, South
Seattle, Washington, 98134
206/442-5950

25 E. Street, N. W.
Washington, D. C. 20538
202/724-0137 or 0138

OTHER OFFICES FROM WHICH INFORMATION ON IMMIGRATION MATTERS MAY BE OBTAINED ARE:

Room 220, U. S. Post Office and Courthouse 445 Broadway Albany, New York 12207 518/472-2434, 2435 or 2436	Federal Building, U.S. Courthouse 300 Las Vegas Boulevard, South Las Vegas, Nevada 89101 702/385-6251
Federal Building, U. S. Courthouse 500 Gold Avenue, S. W., Box 567 Albuquerque, New Mexico 87103 505/776-2378	Room 601, U. S. Courthouse Building West 6th and Broadway Louisville, Kentucky 40202 502/582-6375
200 E. First Street P. O. Box 1780 Calxico, California 92231 714/357-1143 or 1144	814 Federal Building 167 N. Main Street Memphis, Tennessee 38103 901/521-3301
Room 600, Federal Building 334 Meeting Street Charleston, South Carolina 29403 803/724-4350	186 Federal Building 517 E. Wisconsin Avenue Milwaukee, Wisconsin 53202 414/291-3565
1111 Hawthorne Lane Charlotte, North Carolina 28205 704/371-6166	Norfolk Federal Building 200 Granby Mall, Room 439 Norfolk, Virginia 23510 804/441-3081
New Federal Building, Room 117 P. O. Box 610 Charlotte Amalie, St. Thomas Virgin Island 00801 809/774-1390	Federal Building Room 4423, 200 N. W. ... Oklahoma City, Oklahoma 73102 405/231-4121
U. S. Post Office and Courthouse 5th and Walnut Streets P. O. Box 537 Cincinnati, Ohio 45201 513/684-2931	2130 Federal Building 1000 Liberty Avenue Pittsburgh, Pennsylvania 15222 412/644-3360
Federal Building, U.S. Courthouse 1130 "O" Street Fresno, California 93721 209/487-5091	Federal Building, U. S. Post Office Exchange Terrace Providence, Rhode Island 02903 401/528-4375
P. O. Box 1329 Garden City, Kansas 67846 316/275-1054	Suite 150, 350 S. Center Street Reno, Nevada 89502 702/784-5427
104 Federal Building 507 State Street Hammond, Indiana 46320 219/932-5241	410 Old Post Office Building Rochester, New York 14614 716/263-6273
	Federal and U.S. Courthouse Building Room I-060, 650 Capitol Mall Sacramento, California 95814 916/440-3241

U. S. Courthouse and Customhouse
1114 Market Street
St. Louis, Missouri 63101
314/425-4532

125 S. State Street
Salt Lake City, Utah 84138
801/524-5690 or 5022

701 W. 17th Street
Santa Ana, California 92701

691 U. S. Courthouse Building
Spokane, Washington 99201
509/456-3824

Room 539
500 Zack Street
Tampa, Florida 33602
813/228-2134

Federal Building
301 W. Congress, Room 8-M
Tucson, Arizona 85701
602/792-6228 or 6229

OVERSEAS OFFICES

801 Pacific News Building
P. O. Box DX
238 O'Hara Street
Agana, Guam 96910
472-6411 or 6415

c/o American Embassy
91 Vasilissis Sophias
APO NY 09253
Athens, Greece 09253
718-561

c/o American Embassy
APO San Francisco, CA 96346
Bangkok, Thailand
252-5040, Ext. 2614 and 2615

c/o American Consulate General
Siesmayerstrasse 21
Box 12, APO NY 09757
6 Frankfurt/Main, Germany
74 00 71

c/o American Consulate
Room 39, St. John's Building
Box 30, Fleet Post Office
Garden Road, Hong Kong
San Francisco, CA 96659
Hong Kong
23-9011, Ext. 262 and 337

c/o American Embassy
1201 Roxas Boulevard
APO San Francisco, CA 96528
Manila, Philippines
59-80-11, Ext. 2224 or 2694

c/o American Embassy
Paseo de la Reforma 305
Apartado Postal 88 Bis
Mexico 5, D.F.
905/553-3333, Ext. 492, 493 or 494

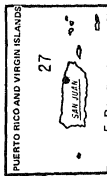
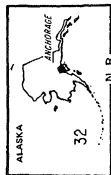
c/o American Consulate General
411 Avenida Constitucion Poniente
Apartado Postal #152
Monterrey, N.L., Mexico
43-06-50, Ext. 27 & 68

c/o American Consulate General
Piazza della Repubblica
Box 18 FOP NY 09521
Naples, Italy
660-966

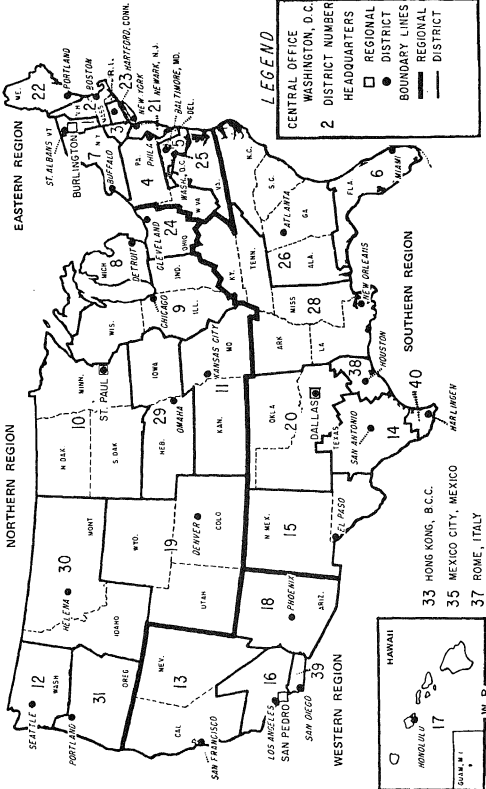
c/o American Embassy
Via V. Veneto 119
APO NY 09794
Rome, Italy
06-4674

c/o American Embassy
APO San Francisco, CA 96301
Seoul, Korea
72-2600 Ext. 4282/4548

c/o American Embassy
2 Friedrich Schmidt Platz
1010 Vienna Austria



IMMIGRATION & NATURALIZATION SERVICE REGIONAL AND DISTRICT AREAS



APPENDIX F

VISA ISSUING POSTS

The following is a listing of American embassies, consulates and other posts located abroad and the type of visa services performed. Generally, a foreign post will only accept applications from aliens who live or last lived in their area of jurisdiction.

ABBREVIATIONS USED

- Embassy
- Consulate General
- Consulate
- Mission
LO - U.S. Liaison Office

IV - Immigrant Visas
NIV - Nonimmigrant Visas
IR - Immediate Relative Category
K - Piance(e) Category

POST COUNTRY	DESIGNATION OF POST	VISA SERVICES PERFORMED	POST COUNTRY	DESIGNATION OF POST	VISA SERVICES PERFORMED
djan ory Coast	E	All	Athens Greece	E	All
Dhabi ited Arab irates	E	All	Auckland New Zealand	CG	All
a ra	E	All	Baghdad Iraq	USINT	All
s Ababa hiopia	E	All	Bamako Mali	E	
kandria ab Republic Egypt	CG	NIV	Bangkok Thailand	E	All
iers geria	E	All	Bangui Central African Republic	E	All
han ordan	E	All	Banjul The Gambia	E	NIV
sterdam etherlands	CG	NIV except K	Barcelona Spain	CG	NIV
			Beijing China	E	All

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Ankara Turkey	E	All			
Antananarivo Madagascar	E	All	Beirut Lebanon	E	All
Antigua, UK	C	NIV	Belfast Northern Ireland	CG	All
Antwerp Belgium	CG	NIV	Belgrade Yugoslavia	E	All
Asuncion Paraguay	E	All			
Belize City Belize	CG	All	Bujumbura Burundi	E	All
Berlin German Demo- cratic Republic	E	All	Bukavu Zaire	C	NIV
Berlin Germany, Federal Republic of	M(CG)	All	Cairo Egypt	E	All
			Calcutta India	CG	All
Bern Switzerland	E	All	Calgary Canada	CG	All
Bilbao Spain	C	NIV	Cali Colombia	C	NIV
Bogota Columbia	E	All	Canberra Australia	E	Diplomatic and official NIV
Bombay India	CG	All	Cape Town South Africa	CG	All
Bonn Germany	E	NIV	Caracas Venezuela	E	All
Bordeaux France	CG	NIV	Casablanca Morocco	CG	All

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Brasilia Brazil	E	NIV	Cebu Phillippines	C	NIV except K
*Bremen Germany	CG	NIV	Ciudad Juarez Mexico	C	All
Bridgetown Barbados	E	All	Colombo Sri Lanka	E	All
Brisbane Australia	C	NIV	Conakry Guinea	E	All
Bussels Belgium	E	All	Copenhagen Denmark	E	All
Bucharest Romania	E	All	Cotonou Benin	E	All
Budapest Hungary	E	All	Curacao Netherlands Antilles	CG	All
Buenos Aires Argentina	E	All	Genoa Italy	CG	All
Calcutta Bangladesh	E	All	Georgetown Guyana	E	All
Caracas Venezuela	E	All	*Goteburg Sweden	C	NIV
Casablanca Morocco	E	All	Guadalajara Mexico	CG	All
Riyadh Saudi Arabia	CG	All	Guangzhou	CG	All
Doha Qatar	E	All	Guatemala Guatemala	E	All

*Scheduled to close as of this printing.

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Douala Cameroon	C	NIV	Guayaquil Ecuador	CG	All
Dublin Ireland	E	All	Hague, The Netherlands	E	Diplomatic and official NIV
Durban South Africa	CG	All	Halifax Canada	CG	All
Dusseldorf Germany	CG	NIV	Hamburg Germany	CG	NIV
Edinburgh Scotland	CG	NIV (issues some IV's to spouses of US servicemen)			
Florence Italy	C	NIV	Hamilton Bermuda	CG	All
Frankfurt Germany	CG	All	Helsinki Finland	E	All
Freetown Sierra Leone	E	All	Hermosillo Mexico	CG	NIV
Fukuoka Japan	C	All	Hong Kong	CG	All (in- cluding visa applications by residents on Taiwan. Such applications may be submitted to the American Institute in Taiwan for Administrative processing and referral to Hong Kong for adjudication.)
Gaborone Botswana	E	A-1			
Geneva	US Mission	G visas and emergency cases.			
Islamabad Pakistan	E	All	Kuwait Kuwait	E	All
Istanbul Turkey	CG	All	Lagos Nigeria	E	All
Izmir Turkey	CG	NIV	Lahore Pakistan	CG	All
Jakarta Indonesia	E	All	La Paz Bolivia	E	All

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Jerusalem Jerusalem	CG	All	Leningrad Soviet Union	CG	NIV
Jidda Saudi Arabia	E	All	Libreville Gabon	E	All
Johannesburg South Africa	CG	All	Lima Peru	E	All
Kabul Afghanistan	E	NONE	Lisbon Portugal	E	All
Kaduna Nigeria	C	NIV except K	Lome Togo	E	All
Kampala Uganda	E	All	London England	E	All
Karachi Pakistan	CG	All	Lubumbashi Zaire	C	NIV
Kathmandu Nepal	E	All	Lusaka Zambia	E	All
Khartoum Sudan	E	All	Luxembourg Luxembourg	E	
Kigali Rwanda	E	All	Lyon France	CG	NIV
Kingston Jamaica	E	All	Madras India	CG	All
Kinshasa Zaire	E	All	Madrid Spain	E	All
Krakow Poland	C	NIV except K visas	Managua Nicaragua	E	All
Kuala Lumpur Malaysia	E	All			

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Manama Bahrain	E	All	Monterrey Mexico	CG	All
Manila Philippines	E	All	Montevideo	E	All
Maputo Mozambique	E	All	Montreal Canada	CG	All
Maracaibo Venezuela	C	Niv	Moscow Soviet Union	E	All
Marseille France	CG	NIV	Munich Germany	CG	NIV
Maseru Lesotho	E	NIV	Muscat Oman	E	All
Matamoros Mexico	C	NIV	Naha Okinawa, Japan	CG	All
Mazatlan Mexico	C	NIV	Nairobi Kenya	E	All
Mbabane Swaziland	E	NIV	Naples Italy	CG	All
Medan Indonesia	C	NIV	Nassau The Bahamas	E	All
Medellin Columbia	C	NIV	New Delhi India	E	All
Melbourne Australia	CG	NIV	N'Djamena Chad	E	NIV
Merida Mexico	C	NIV	Niamey Niger	E	All
Mexico City Mexico	E	All	*Nice France	C	NIV
Milan Italy	CG	NIV	Nicosia Cyprus	E	All
Mogadishu Somalia	E	All	Nouakchott Mauritania	E	All
Monrovia Liberia	E	All	Nuevo Laredo Mexico	C	NIV

*Scheduled to close as of this printing.

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Oporto Portugal	C	All	Porto Alegre Brazil	C	NIV
Oran Algeria	C	NIV	Poznan Poland	C	NIV except K
Osaka-Kobe Japan	CG	All	Prague Czechoslovakia	E	All
Oslo Norway	E	All	Pretoria South Africa	E	Diplomatic and Official NIV
Ottawa Canada	E	NIV	Quebec Canada	CG	All
Ouagadougou Upper Volta	E	All	Quito Ecuador	E	NIV
Pago Pago Tutuila, Am. Samoa		All	Rabat Morocco	E	NIV
Palermo Italy	CG	All	Rangoon Burma	E	All
Panama City Panama	E	All	Recife Brazil	C	NIV
Paramaribo Surinam	E	All	Reykjavik Iceland	E	All
Paris France	E	All	Rio de Janeiro Brazil	CG	All
Perth Australia	C	All	Rome Italy		
Peshawar Pakistan	C	NIV	Rotterdam Netherlands	CG	All
Ponta Delgada Azores (Portugal)	C	All	Saipan, High Commissioner Mariana Islands		All
Port-au-Prince Haiti	E	All	Salvador Brazil	C	NIV
Port Louis Mauritius	E	All	Sana Yemen (Same)	E	All
Port Moresby Papua New Guinea	E	NIV	San Jose Costa Rica	E	All

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Port of Spain Trinidad	E	All	San Salvador El Salvador	E	All
Santiago Chile	E	All	Tel Aviv Israel	E	All
Santo Domingo Dominican Republic	E	All	Thessaloniki Greece	CG	All
Sao Paulo Brazil	CG	NIV	Tijuana Mexico	CG	All
Sapporo Japan	C	All	Tokyo Japan	E	All
Seoul Korea	E	All	Toronto Canada	CG	All
Seville Spain	CG	NIV; (IV not subject to numerical limitations)	Trieste Italy	C	NIV
Singapore Singapore	E	All	Tunis Tunisia	E	All
Sofia Bulgaria	E	All	*Turin Italy	C	NIV
Stockholm Sweden	E	All	Valletta Malta	E	All
Strasbourg France	CG	NIV	Vancouver Canada	CG	All
Stuttgart Germany	CG	NIV	Vienna Austria	E	All
Surabaya Indonesia	C	NIV	Vientiane Laos	E	All
Suva Fiji	E	All			

*Scheduled to close as of this printing.

<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>	<u>POST COUNTRY</u>	<u>DESIGNATION OF POST</u>	<u>VISA SERVICES PERFORMED</u>
Sydney Australia	CG	All	Victoria Seychelles	C	NIV
Taipei Taiwan	(See Hong Kong)		Warsaw Poland	E	All
Tangier Morocco	CG	All	Wellington New Zealand	E	All
Tegucigalpa Honduras	E	All	Winnipeg Canada	CG	All

APPENDIX C

LIST OF COMMONLY USED FORMS

Listed below are the titles and form numbers of the forms Outreach participants may to encounter when assisting aliens seeking benefits:

AR 4	Alien Registration Fingerprint Chart
AR 11	Alien's Change of Address Card
G-27	Request for Representation Before the BIA and INS
G-28	Notice of Entry of Appearance as Attorney or Representative
G-56A*	General Call-In Letter
G-94	Notice of Transmittal of Reentry Permit Nonresident Alien Border Crossing Card or Other Document to the American Consul
G-138	Signature Specimen Form
G-146	Nonimmigrant Checkout Letter
G-153	Foreign Address and Occupation Index Card
G-260	Notice of Decision on Administrative Fine
G-266	Refund of Immigration and Naturalization Fees
G-325 (A)(B)(C)	Biographic Information
G-342	Request for Information From Service Files
G-347	Request for Information From Naturalization File
G-351	Request for Copies of Documents
G-620	Blood Group, Blood Type and RH Factor Test
G-641	Application for Verification of Information From Immigration and Naturalization Service
G-657	Privacy Act Information Request
I-17	Petition for Approval of School for Attendance by Nonimmigrant Alien Students
I-20A	Certificate of Eligibility (for Nonimmigrant F-1 Student Status)
I-20B	Notice and Report Concerning Nonimmigrant F-1 Student
I-46	Permit to Visit Detained Alien
I-53	Alien Address Report
I-71	Inquiry Relating to Revalidation of Job-Offer, Labor Certification, or Employment Intention Concerning Employment of Alien
I-72	Form Letter Returning Deficient Applications or Petitions
I-90	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card
I-94	Arrival/Departure Record
I-95	Crewman Landing Permit
I-102	Application by Nonimmigrant Alien for Replacement of Arrival Document (I-94)
I-122	Notice to Applicant Detained for Hearing Before an Immigration Judge

*Obsolete as of this printing.

I-126	Report of Status by Treaty Trader or Investor
I-129B	Petition to Classify Nonimmigrant as Temporary Worker, or Trainee
I-129F	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of a Nonimmigrant Visa
I-130	Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa
I-130E/I-485H*	Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa and Application for Status as Permanent Resident
I-131	Application for Issuance or Extension of Permit to Reenter the United States
I-132	Permit to Reenter the United States
I-134	Affidavit of Support
I-138	Subpoena
I-140	Petition to Classify Preference Status of Alien on Basis of Profession or Occupation
I-147	Notice of Temporary Exclusion From the United States
I-148	Notice of Permanent Exclusion From the United States
I-151	Alien Registration Receipt Card (Old)
I-157	Notice of Deportation
I-166	Notice of Deportable Alien
I-171	Notice of Approval of Relative Visa Petition (Single Copy)
I-171C	Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of Nonimmigrant H or L Alien
I-171F	Notice of Approval of Nonimmigrant Visa Petition for Fiance or Fiancee
I-175	Application for Nonresident Alien Canadian Border Crossing Crossing Card
I-179*	U. S. Citizen Identification Card
I-181	Memorandum of Creation of Record of Lawful Permanent Residence
I-184	Crewman Landing Permit and Identification Card
I-185	Nonresident Alien Canadian Border Crossing Card
I-186	Nonresident Alien Mexican Border Crossing Card
I-190	Application for Nonresident Alien Mexican Border Crossing Card
I-191	Application for Advance Permission to Return to Unrelinquished Domicile
I-192	Application for Advance Permission to Enter as Nonimmigrant
I-193	Application for Waiver of Passport or Visa
I-194	Advance Permission to Enter as Nonimmigrant (Approval Notice)
I-196	Application for U.S. Citizen Identification Card
I-197	U. S. Citizen Identification Card
I-200	Warrant for Arrest of Alien
I-205	Warrant of Deportation
I-210	Alien Voluntary Departure Notice
I-212	Application for Permission to Reapply for Admission After Deportation or Removal
I-214	Warning as to Rights - Interview Log
I-215	Record of Sworn Statement
I-220A	Order or Release on Recognizance
I-220B	Order of Supervision

*Obsolete as of this printing.

I-221 Order to Show Cause and Notice of Hearing
 I-234 Certification as to Alien Becoming Public Charge
 I-243 Application for Removal (Under Section 250 of the I&NA)
 I-246 Application for Stay of Deportation
 I-256A Application for Suspension of Deportation
 I-261 Additional Charges of Deportability
 I-263 Record of Sworn Statement
 I-274A Request to Depart Voluntarily From the United States
 I-275 Notice of Withdrawal of Application for Admission to
 the United States
 I-286 Notification to Alien of conditions of Release or Detention
 I-290A Notice of Appeal to Board of Immigration Appeals
 I-290B Notice of Appeal to Regional Commissioner
 I-290C Notice of Certification
 I-291 Decision on Application for Status as Permanent Resident
 I-292 Denial of Application or Visa Petition
 I-294 Notice of Country to Which Deportation Has Been Directed
 and Penalty for Reentry Without Permission
 I-295 Notice of Decision
 I-296 Notice to Alien Ordered Excluded by Immigration Judge
 I-301 Receipt for Depository for U.S. Bonds or Notes Deposited
 as Security
 I-306 Receipt of Obligor - Return of Bond
 I-323 Notice, Immigration Bond Breached
 I-352 Immigration Bond
 I-357 Welcome to the United States (Booklet)
 I-358 To Visitors Entering the United States (Booklet)
 I-391 Notice, Immigration Bond Cancelled
 I-407 Abandonment by Alien of Status as a Permanent Resident
 I-464A-E Notice of Approval of 3rd or 6th Preference Petition
 and Injunction to Congress
 I-485 Application for Status as Permanent Resident
 I-485A Application by Cuban for Permanent Residence
 I-485C Application by Indochinese Refugee for Permanent Residence
 I-486 Medical Examination and Immigration Interview
 I-488 Affidavit of Witness
 I-506 Application for Change of Nonimmigrant Status
 I-508 Waiver of Rights, Privileges, Exemptions and Immunities
 I-509 Notice to Alien of Proposed Change from Lawfully Admitted
 Permanent Residence to Nonimmigrant
 I-512 Authorization for Parole or Conditional Entry of Alien
 Into the U. S.
 I-515 Notice to Student Admitted Without I-20
 I-522 Education Evaluation Request
 I-526 Request for Determination That Prospective Immigrant Is
 an Investor
 I-538 Application by Nonimmigrant Student for Extension of Stay,
 Transfer, or Permission to Accept or Continue Employment
 I-539 Application to Extend Time of Temporary Stay
 I-541 Order of Denial of Application for Extension of Stay,
 Student Employment or Student Transfer
 I-542 Information and Instructions to Nonimmigrants
 I-546 Order to Appear

I-550*	Application for Verification of Lawful Permanent Residence of an Alien
I-551	Alien Registration Receipt Card (New)
I-564	Form Letter, Reply to General Inquiries
I-570	Application for Issuance of Refugee Travel Document
I-571	Refugee Travel Document
I-586	Nonresident Alien Mexican Border Crossing Card (New)
I-589	Application for Asylum in the United States
I-590A*	Application for Classification as Refugee (At American Consulates)
I-594	Call-In Letter and Inspection Record, Conditional Entrant
I-600	Petition to Classify Orphan as Immediate Relative
I-601	Application for Waiver of Grounds of Excludability
I-607	Order Re: Waiver of Excludability
I-612	Application for Waiver of Foreign Residence Requirement
M-7	Federal Textbook on Citizenship, Our Constitution and Government
M-8	Federal Textbook on Citizenship, Simplified Edition
M-9	Federal Textbook on Citizenship, Charts
M-35	Federal Textbook on Citizenship Aids for Teachers
M-39	Federal Textbook on Citizenship, Home Study Course
M-41 - 46	Federal Textbook on Citizenship, English Study
M-67*	Development of Immigration and Naturalization Laws and Service History (Booklet)
M-74	Gateway to Citizenship
M-76	A Welcome to U.S.A. Citizenship
M-85	Our Immigration; A Brief Account of Immigration to the United States (Booklet)
M-93	Directory of Courts Having Naturalization Jurisdiction
M-97	Documentary Requirements of Aliens in the U.S.
M-122	Availability of Citizenship Education Films
M-132	Information Concerning Citizenship Education to Meet Naturalization Requirements
M-157	The Border Patrol, Its Origin and Its Work
M-161 - 164	Federal Textbook on Citizenship, Becoming a Citizen Series
M-188	Appeals and Motions (Booklet)
M-195	Students and Exchange Visitors, Documentary Requirements for Entry Into the U. S.
M-201	Employment of F-1 Nonimmigrant Students in the U.S.
M-210	Guide to Immigration Benefits
M-220	Indochinese Refugee Program Processing Guide
M-230	Basic Guide to Naturalization
M-233	Directory of Nonprofit Immigration Counseling Agencies
M-235	Reaching Out (Outreach Booklet)
N-4	Form Letter for Deficient Application or Petition
N-14A	Arrival Information Request
N-17	Naturalization Requirements and General Information
N-25	Request for Verification of Naturalization
N-240	Form Letter Concerning Change of Name, Certificate of Naturalization

*Obsolete as of this printing.

N-315 Declaration of Intention
 N-334 Notice to Newly Naturalized Citizen That Child May Have
 Derived Citizenship
 N-335 Notice to Newly Naturalized Citizen That Child May Be
 Eligible for Citizenship
 N-340 Notice to Appear for Hearing on Application for Certificate
 of Citizenship
 N-400 Application to File a Petition for Naturalization
 N-400A-B* Supplement to N-400
 N-401* Preliminary Form to Take Oath of Allegiance
 N-402 Application to File Petition for Naturalization on Behalf
 of Child
 N-404 Request for Withdrawal of Petition for Naturalization
 N-405 Petition for Naturalization
 N-407 Petition for Naturalization
 N-408* Application to Take Oath of Allegiance
 N-410 Motion to Amend Petition for Naturalization
 N-425 Notice to Petitioner of Proposed Denial of Petition for
 Naturalization
 N-426 Request for Certification of Military Service
 N-430 Request for Applicant to Appear With Witnesses
 N-440* Certificate of Examination
 N-445 Questionnaire Submitted by Petitioner at Final Hearing
 N-451* Affidavits of Witnesses
 N-455 Application for Transfer of Petition for Naturalization
 N-458 Application to Correct Certificate of Naturalization
 N-462A* Interrogatories in Depositions of Witnesses
 N-470 Application to Preserve Residence for Naturalization Purposes
 N-472 Notice of Approval of Application to Preserve Residence
 N-550 Certificate of Naturalization
 N-560-561 Certificate of Citizenship
 N-565 Application for a New Naturalization or Citizenship Certificate
 N-570 Certificate of Naturalization
 N-577 Application for a Special Certificate of Naturalization
 to Obtain Recognition as a Citizen of the U.S. by a
 Foreign State
 N-578 Special Certificate of Naturalization
 N-589 Application for a Certificate of Naturalization or Repatriation
 N-581 Certificate of Repatriation
 N-582 Certificate of Naturalization
 N-585 Application for a Search of the Records of the Immigration
 and Naturalization Service
 N-600 Application for a Certificate of Citizenship
 N-603 Requirements for Retention of U.S. Citizenship

*Obsolete as of this printing.

APPENDIX HFEE CHART

	<u>FORM</u>	<u>FEE*</u>
For filing application for verification of lawful permanent residence of an alien....	G-641	\$ 5.00
For filing application for verification of information contained in service records	G-641	5.00
For certification of true copies, each	G-641	5.00
For attestation under seal	G-641	2.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	I-17	20.00
For filing application for alien registration receipt card (Form I-551), in lieu of one lost, mutilated, or destroyed, or in a changed name	I-90	15.00
For filing application for arrival-departure record (Form I-94) or crewman's landing permit (Form I-95), in lieu of one lost, mutilated, or destroyed	I-102	5.00
For filing petition to classify nonimmigrant as temporary worker or trainee	I-129B	15.00
For filing petition to classify nonimmigrant as fiancée or fiancé	I-129F	15.00
For filing petition to classify status of alien relative for issuance of immigrant visa	I-130	10.00
For filing petition to classify status of alien relative for issuance of immigrant visa	I-130E/I-485H	40.00

*All fees subject to change. As changes occur they are published in the Federal Register.

For filing application for issuance or extension or reentry permit	I-131	\$ 5.00
For filing petition to classify preference status of an alien on basis of profession or occupation	I-140	25.00
For filing application for discretionary relief (returning residents)	I-191	35.00
For filing application for discretionary relief (nonimmigrants)	I-192	15.00
For filing application for passport waiver prior to or at the time application is made for permanent admission	I-193	5.00
For filing application for U.S. Citizen Identification Card	I-196	5.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at government expense in lieu of deportation	I-212	20.00
For filing application for stay of deportation	I-246	70.00
Fee for filing application for suspension of deportation under Section 244	I-256A	75.00
For filing motion to reopen or reconsider any decision under immigration laws	I-290A	50.00
For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of \$50.00 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	I-290B	50.00
For filing application for adjustment of status to that of a permanent resident	I-485	30.00
For filing application for creation of record of admission for permanent residence	I-485	30.00

FORMFEE*

for filing application to record lawful admission for permanent residence (Fiances and Fiances)	I-485	\$30.00
Application by Indochinese refugee for permanent residence	I-485C	No Fee
for filing application for change of non-immigrant classification	I-506	10.00
Application by nonimmigrant student (F-1) for extension of stay, school transfer or permission to accept or continue employment	I-538	No Fee
for filing application for extension of stay of a nonimmigrant, other than an alien classified "F", "J", or "B-2"	I-539	5.00
for filing application for issuance of refugee travel document	I-570	5.00
for filing request for asylum in the United States	I-589	No Fee
for filing petition to classify orphan as immediate relative (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	I-600	35.00
Application for Waiver on Grounds of Excludability under Section 212(g),(h), or (i) of the Immigration and Nationality Act	I-601	35.00
for filing application for waiver of the foreign-residence requirement	I-612	35.00
for filing application for certificate of citizenship by a parent	N-400	15.00
for filing motion for amendment of petition	N-410	5.00
for filing application for transfer of petition for naturalization	N-455	10.00
for filing application to preserve residence for naturalization purposes	N-470	10.00

For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a name change	N-565	\$10.00
For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state	N-577	10.00
For filing application for a certificate of naturalization or repatriation	N-580	5.00
For filing application for certificate of citizenship	N-600	15.00
For filing request for telegraphic communication service (May be ordered through INS only.)	SF-14	10.00

APPENDIX I
INFORMATION AND FORMS

Voluntary immigration counselling agencies and individuals participating in the Outreach Program can obtain information and INS forms by contacting Service offices.

Volag representatives can make inquiries, follow-up on individual cases and discuss complex matters with Service officers.

Individual Outreach participants who refer cases to the volags are encouraged to seek assistance regarding cases, forms, and other inquiries from the volags before contacting the INS office.

The volags can receive forms in bulk quantities from INS Outreach Program, provided their requests are reasonable and the forms are in sufficient supply. For larger quantities, the volags can order the forms for a fee directly from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20401. If forms are ordered from GPO, allow several weeks for delivery.

For inquiries related to State Department forms or visa processing abroad, please contact the appropriate American embassy or consulate abroad or the State Department Visa Office, Washington, D. C., 20052.

Samples of INS and State Department forms are contained in the main text of this Guide.

This section includes examples of summary translations and case intake data sheets which may be helpful to Outreach participants.

TRANSLATIONS

The forms shown on the following pages may be used for translating documents from a foreign language into English in abstract form. These forms are not required under law and may not be accepted by some district offices. Consequently, you should consult with your local INS office before submitting translations.

NOTE: There will be occasions (i.e., appeals) when verbatim translations are required. If such is the case, you must submit a complete translation as requested by the Service.

1. NAME: _____
(first) (middle) (last)
2. BIRTH: - Place: _____
(city or town) (state or province) (country)
- Date: _____
(month) (day) (year)
3. FATHER'S NAME: _____
(first) (middle) (last)
4. MOTHER'S NAME: _____
(first) (middle) (last)
5. CERTIFICATE ISSUED: - Data: _____
(month) (day) (year)
- Place: _____
(city or town) (state or province) (country)
- Magistrate: _____
(full name)
6. CERTIFICATE FOUND: Archive or Register: _____ Page _____ No. _____
7. NOTATIONS OF IMPORTANCE:

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*) _____, hereby certify that the above is an accurate translation of the original "birth certificate" in (**) _____, and that I am competent in both English and (**) _____ to render such translation.

Date _____ / _____ / _____
(signature of translator)

Agency _____
(address)

Phone _____
(city) (state) (zip)

(*) Printed or typed, name of the translator in full.

(**) Language of the original certificate -- Spanish, French, Chinese, German, etc.

-----The original document, and copy of it if you wish original returned, should be attached to this summary translation form and certification.

-----Title 8 of the CFR, Part 292.1 (a) (3) forbids private individuals to charge any fees for filling out this form.

USI & NS
CHICAGO, ILL.

TRANSLATION OF AN "ADOPTION DECREE"

(Form JJG-2)

(print or type)

1. ADOPTED _____ (first name) _____ (middle) _____ (last)
2. Adopted on _____ / _____ / _____ (month) (day) (year)
3. ----- in _____ (city or town) _____ (state or province) _____ (country)
4. ----- by Mr. (*) _____ (first name) _____ (middle) _____ (last)
- and Mrs. (*) _____ (first name) _____ (middle) _____ (last)
5. Born on _____ / _____ / _____ (month) (day) (last)
6. ----- in _____ (city or town) _____ (state or province) _____ (country)
7. Natural Father (*) _____ (first name) _____ (middle) _____ (last)
- Mother (*) _____ (first name) _____ (middle) _____ (last)
8. Adoption Decree signed by _____ (officer of the law)
9. NOTATIONS: (Other important information: Like information regarding release for emigration and irrevocable release of surviving parents)

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*) _____, hereby certify that the above is an accurate translation of the original "Adoption Decree" in (**) _____ and that I am competent in both English and (**) _____ to render such translation.

Date _____ / _____ / _____ (signature of translator)

AGENCY _____ (address)

Phone _____ (city) (state) (zip)

(*) As it appears in the Decree of Adoption.

(*) Printed or typed, name of the translator in full.

(**) Language of the original decree -- Spanish, French, Chinese, German, etc.

(**) The original document, and copy of it if you wish original returned, should be attached to this summary translation form and certification.

----- Title 8 of CFR, Part 292.1 (a) (3) forbids private individuals to charge any fees

1. Mr./Rev. _____
(first name) (middle) (last)
&
Ms./Mrs. _____
(first name) (middle) (last)
2. WERE MARRIED: on _____
(month) (day) (year)
3. _____ in _____
(city or town) (state or province) (country)
4. _____ by _____
(Judge or Minister's full name)
5. WITNESSES: 1) _____
(first name) (middle) (last)
2) _____
(first name) (middle) (last)
6. CERTIFICATE issued : by _____
(Magistrate or Minister)
7. _____ on _____
(month) (day) (year)
8. _____ in _____
(city or town) (state or province) (country)
9. CERTIFICATE FOUND: Archive or Register: _____ Page _____ No. _____
10. IMPORTANT NOTATIONS:

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*), _____, hereby certify that the above is an accurate translation of the original "Marriage Certificate" in (**) and that I am competent in both English and (**) _____ to render such translation.

Date _____
(signature of translator)

Agency _____
(address)

_____ Phone _____
(city) (state) (zip)

- (*) Printed or typed, name of the translator in full.
(**) Language of the original certificate -- Spanish, French, Chinese, German, etc.
--- The original document, and copy of it if you wish original returned, should be attached to this summary translation form and certification.
--- Title 8 of the CFR, Part 292.1 (a) (3) forbids private individuals to charge any fees for filling out this form.

TRANSLATION OF A "DECREE OF DIVORCE"

(Form JJC-4)

(print or type)

Mr. _____ (first name) _____ (middle) _____ (last)

&
Mrs. _____ (first name) _____ (middle) _____ (last)

WERE DIVORCED: on _____ / _____ / _____ (month) (day) (year)

_____ in _____ (city or town) _____ (state or province) _____ (country)

_____ before _____ (name of judge or magistrate)

MAIN REASONS FOR THE DIVORCE (stated briefly):

PARTY SEEKING VISA: _____ (last name) _____ (middle) _____ (first)

_____ is now: Single _____, Married _____, Widow(er) _____

(If married) name of new SPOUSE: _____ (first) _____ (middle) _____ (last)

IMPORTANT NOTATIONS: (Statement that the "Decree of Divorce" is final and absolute, and other pertinent information).

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*) _____, hereby certify that the above
is an accurate translation of the original "Decree of Divorce" in (**) _____
and that I am competent in both English and (**) _____ to render such
translation.

Date _____ / _____ / _____ (signature of the translator)

Agency _____ (address)

_____ Phone _____ (city) _____ (state) _____ (zip)

(*) Printed or typed, name of the translator in full.
(**) Language of the original certificate -- Spanish, French, Chinese, German, Italian, etc.
The original document, and copy of it if you wish original returned, should be
attached to this summary translation form and certification.
Title 8 of the CFR, Part 292.1 (a) (3) forbids private individuals to charge any
fees for filling out this form.

1. NAME _____
 (first) (middle) (last)

2. DIED: on _____ / /
 (month) (day) (year)

3. --- in _____
 (city or town) (state or province) (country)

4. SPOUSE of the deceased at the time of (his or her) death:

 (first name) (middle) (last)

5. OFFICIAL who signed the CERTIFICATE of death, doctor or clerk:

 (first name) (middle) (last)

Place: _____
 (city or town) (state or province) (country)

Date: _____ / /
 (month) (day) (year)

6. CERTIFICATE FOUND: Archive or register: _____ Page _____ No. _____

7. IMPORTANT NOTATIONS: (Cause of death, etc.) _____

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*) _____, hereby certify that the above is an accurate translation of the original "Death Certificate" in (**) _____ and that I am competent in both English and (**) _____ to render such translation.

Date 1/1 _____ (signature of translator)

Agency _____ (address) _____

Phone _____ (city) _____ (state) _____ (zip) _____

- (*) Printed or typed, name of the translator in full.
 (**) Language of the original certificate -- Spanish, French, Chinese, German, Italian, etc.
 --- The original document, and copy of it if you wish original returned, should be attached.
 --- Title 8 of the CFR, Part 292.1 (a) (3) forbids private individuals to charge any fees for filling out this form.

(print or type)

1. THE POLICE DEPARTMENT OF: _____

2. Certifies that:
Mr./Mrs./Miss/Ms. _____
(first name) (middle) (last)
3. LIVED IN _____
(city or town) (state or province) (country)
---FROM _____ TO _____
(month-day-year) (month-day-year)
4. AND THAT, IN ACCORDANCE WITH OUR RECORDS,
has not committed any crime.
has committed the following crimes: (state them briefly with sentences, etc.)
5. RECORD issued: by _____
(full name of officer)
_____ on _____ / / _____
(month) (day) (year)
_____ in _____
(city or town) (state or province) (country)

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, (*), _____, hereby certify that the above
is an accurate translation of the original "Police Record" in (**) _____
and that I am competent in both English and (**) _____ to render such
translation.

Date _____ / / _____
(signature of translator)

Agency _____
(address)

Phone _____
(city) (state) (zip)

(*) Printed or typed, name of the translator in full.

(**) Language of the original certificate -- Spanish, French, Chinese, German, Italian, etc.
----- The original document, and copy of it if you wish original returned, should be
attached to this summary translation form and certification.

----- Title 8 of the CFR, Part 292.1 (a) (3) forbids private individuals to charge any
fees for filling out this form.

The data sheet on the following page is a sample intake form or family record which may be used by volags when interviewing a client, and prior to completing INS petitions or applications. This, however, is not an immigration form and should not be submitted to the Immigration and Naturalization Service.

Completion of a data sheet or family record will insure that all necessary information is gathered and a proper analysis of equities may be made. Moreover, volags will have the information available for future use should it become necessary.

DATA SHEET

9 NO. CATEGORY Immigration DATE OPENED June 3, 1980

BENEFICIARY _____ INS FILE NO. A _____

NAME Elena Montes AKA Elena Gonzalez/Elena Rodriguez

PLACE OF BIRTH San Miguel, El Salvador DATE OF BIRTH Feb. 10, 1932 Nationality Salvador

ADDRESS 2011 No. Daniel, Arlington, VA 22210 PHONE 703/521-1381

PRIOR'S NAME Roberto Rodriguez PLACE OF BIRTH El Salvador DATE OF BIRTH May 20, 1915

PRIOR'S NAME Elvira Molina PLACE OF BIRTH El Salvador DATE OF BIRTH Sept. 3, 1916

RELATIONSHIP TO PETITIONER Spouse

PREVIOUS MARRIAGE: DATE May 24, 1979 PLACE Arlington, VA SPOUSE Manuel Montes
San Salvador

PREVIOUS MARRIAGE: DATE Jan. 14, 1952 PLACE El Salvador SPOUSE Alfredo Gonzales
San Salvador Death of
TERMINATION OF PREVIOUS MARRIAGE: DATE Aug. 29, 1967 PLACE El Salvador MANNER Spouse
June 15,

ENTRY DATE: June 15, 1975 PLACE Washington, D.C. MANNER by plane LAST ENTRY 1975

IMMIGRATION RECORD None

IMMIGRATION DOCUMENT TYPE _____ NON IMMIG. # 00285 I-94 # 656-23-51

(I-186, I-186,) June 14,
1951, Etc.) PLACE ISSUED San Salvador, El Salvador DATE ISSUED June 14, 1975 EXPIRES 1976

OCCUPATION Housewife NAME OF EMPLOYER _____

WHERE BEGAN _____ PHONE _____ ADDRESS _____

SOCIAL SECURITY # 450-92-3553 SOCIAL SECURITY & IRS STATUS: _____

PETITIONER _____

NAME Manuel Montes AKA _____

PLACE OF BIRTH Monterrey, Mexico DATE OF BIRTH Aug. 5, 1930 NATIONALITY Mexican

ADDRESS 2011 No. Daniel, Arlington, VA PHONE 703/521-1381

PRIOR'S NAME Alfonso Montes PLACE OF BIRTH Monterrey, Mex. DATE OF BIRTH Sept. 15, 1902
María Estela

PRIOR'S NAME Cabrera PLACE OF BIRTH Monterrey, Mexico DATE OF BIRTH Dec. 12, 1904

PREVIOUS MARRIAGE DATE May 24, 1979 PLACE Arlington, VA SPOUSE Elena

PREVIOUS MARRIAGE DATE None PLACE _____ SPOUSE _____

TERMINATION OF PREVIOUS MARRIAGE DATE _____ PLACE _____ MANNER _____

ALIEN REG. NO. A-22 511 393 PLACE OF ENTRY El Paso, TX DATE OF ENTRY July 4, 1936

OCCUPATION Cabinet Maker NAME OF EMPLOYER Self-employed

DATE BEGAN Aug. 9, 1950 PHONE 703/521-1381 ADDRESS 2011 No. Daniel, Arlington, VA 22210

CHILDREN

NAME Alonso Gonzalez PLACE OF BIRTH El Salvador DATE OF BIRTH April 15, 1955

NAME Alma Gonzalez PLACE OF BIRTH El Salvador DATE OF BIRTH Nov. 28, 1959

NAME Jaine Gonzalez PLACE OF BIRTH El Salvador DATE OF BIRTH March 15, 1965

NAME _____ PLACE OF BIRTH _____ DATE OF BIRTH _____

NAME _____ PLACE OF BIRTH _____ DATE OF BIRTH _____

BENEFICIARY'S RESIDENCE SINCE AGE OF 16

Include addresses for last 5 years if adjusting status			From		To	
Street and Number	City	Province/State Country	Month/Year		Month/Year	
2011 No. Daniel	Arlington, VA	USA	May	79	Present	
1420 16th St., N.W. #101	Washington, D. C.	USA	June	75	May	79

BENEFICIARY'S LAST ADDRESS OUTSIDE OF THE UNITED STATES OF MORE THAN ONE YEAR

			From		To	
Street and Number	City	Province/State Country	Month/Year		Month/Year	
Doto, Chirilagua Canton 16	#516 San Salvador, El Salvador		Jan	1952	June	1975

BENEFICIARY'S EMPLOYMENT LAST 5 YEARS

Use for adjustment of status only		From		To	
Full name and address of employer	Occupation	Month/Year		Month/Year	
	Housewife	Jan	1952	Present	

LAST OCCUPATION ABROAD IF NOT SHOWN ABOVE (Include all information requested above)

--

FORMS

Required	Date Prepared	Required	Date Prepared
No. <u>I-130</u>	<u>June 3, 1980</u>	_____	_____
No. <u>I-485</u>	<u>July 7, 1980</u>	_____	_____
No. <u>G-325</u>	<u>July 7, 1980</u>	_____	_____
No. _____	_____	_____	_____

REMARKS:

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